THE MADRAS LEGISLATIVE ASSEMBLY.

Thursday, 31st March 1955.

The House met in the Assembly Chamber, Government Estate, Mount Road, at half-past eight of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Reversion of temporary Revenue Divisional Officer, Sivakasi

* 1788 *Q*.—SRI D. K. RAJU: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether the Revenue Divisional Officer, Sivakasi, Ramanathapuram district, has been reverted and transferred;

(*b*) whether the reversion order has been given effect to; and if not, the reasons therefor;

(*c*) whether he recently sent telegrams to two M.L.As. to intervene with the Chief Minister and the Revenue Minister to cancel the reversion order and to retain him at Sivakasi;

(*d*) whether any representation on his behalf was made by M.L.As.;

(*e*) if so, what disciplinary action has been taken against him; and

(*f*) whether any illegal collections were made by him to meet the expenditure in connexion with the visit of Members of the Board of Revenue?

THE HON. SRI M. A. MANICKAVELU :—" (*a*) & (*b*) Sir, the post of Revenue Divisional Officer, Sivakasi, was held by a temporary Deputy Collector between 21st June 1954 and 14th March 1955. Although during this period the Government ordered his reversion, the reversion was not given effect to as exigencies of public service, viz., the impending bye-election required his continuance in that post. He has since been transferred as Revenue Divisional Officer, Palghat.

" (*c*) The Government have no information.

" (*d*) No.

" (*e*) Does not arise.

" (*f*) The Government are not aware of any such thing."

SRI K. VINAYAKAM :—" Why was this gentleman under reference reverted and what were the charges pending against him? "

THE HON. SRI M. A. MANICKAVELU :—" Sir, he was reverted in the usual course. There are no charges pending against him."

SRI M. NARAYANA KURUP :—" Did not the Government know of the impending bye-election when the order for reversion was made? "

THE HON. SRI M. A. MANICKAVELU :—" Sir, the Revenue Divisional Officer of that place was also the Returning Officer. He is only a temporary Deputy Collector and when the senior man returned from leave he had to be reverted in the normal course. As there was the impending bye-election at that time, he was continued for a few days."

SRI S. RAMALINGAM :—" கனம் மந்திரி அவர்கள் யுஷுவல் கோர்சிலே அவர் ரிவர்ட் செய்யப்பட்டார் என்று கூறினார்கள். சாதாரணமாக சர்க்காரில் அதிகாரிகளை பிரமோஷன் செய்வது வழக்கமா அல்லது அவர்களை ரிவர்ட் செய்வதுதான் வழக்கமா ? "

THE HON. SRI M. A. MANICKAVELU :—" I am afraid the hon. Member seemed to be a novice in this respect. He was on an acting job and when the period was over he had to revert."

SRI K. VINAYAKAM :—" Is the Hon. the Minister for Revenue aware of the fact that there are allegations against this officer that he has collected huge sums of money from the public to entertain the members of the Board of Revenue when they visited that locality? Even if the Government are not aware of the fact, may I know whether they will be pleased to institute an enquiry into this matter and entrust this matter with the Special Branch Police and ask the Special Branch to find out what exactly is the truth of the whole matter? "

THE HON. SRI M. A. MANICKAVELU :—" Sir, there must be some basis for conducting an enquiry. Imaginary allegations will not do."

District Soldiers' Boards

* 1716 *Q.*—SRI S. R. ARUMUGAM : Will the Hon. the Minister for Health be pleased to state—

(*a*) in how many districts, the District Soldiers' Boards are functioning ;

(*b*) who is the head of these boards in every district; and

(*c*) what these boards actually do?

THE HON. SRI A. B. SHETTY :—" (*a*) There are thirteen District Soldiers', Sailors' and Airmen's Boards in the State,

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one in each district except the Nilgiris district, which comes under the jurisdiction of the District Soldiers', Sailors and Airmen's Board, Coimbatore.

" (b) The Collector of the district is the ex-officio President of the District Soldiers', Sailors' and Airmen's Board.

" (c) These boards deal with the various welfare problems affecting the interests of ex-service personnel and the families of serving and deceased service personnel of the Armed Forces."

SRI S. R. ARUMUGAM :—" Sir, practically, these boards are not doing anything. I know of a particular instance in which the District Collector, Coimbatore, refused to recommend a scheme for rehabilitating the ex-servicemen on a co-operative basis and said that he had no power in the matter. May I know from the Hon. the Minister for Health whether the Government will be prepared to invest more powers with the District Collectors in the matter of formulating schemes for rehabilitating the ex-servicemen?"

THE HON. SRI A. B. SHETTY :—" Sir, these district boards were working all right. During the year 1954, assistance in several forms has been given to ex-servicemen and their families in the matter of issue of certificates for assignment of lands, educational concessions, etc. Admission of patients to tuberculosis sanatoria and leprosy hospitals has been arranged. Sir, the expenditure on the organization itself is about Rs. 58,000 per annum and it is borne by the State Government."

SRI S. R. ARUMUGAM :—" Sir, there are some skilled and experienced mechanics among the ex-servicemen. Will the Government utilize their knowledge and skill in organizing cottage industries?" 8-40 a.m.

MR. SPEAKER :—" The question deals with a number of such boards in the district, etc. But the hon. Member's question relates to appointment of ex-servicemen."

SRI S. R. ARUMUGAM :—" I want to know whether the Government would be pleased to ask the District Collectors to utilize the experience and knowledge of such ex-servicemen in organizing co-operative industrials?"

THE HON. SRI A. B. SHETTY :—" Placement of ex-servicemen in suitable jobs is one of the items of the work attended to by these boards."

SRI M. NARAYANA KURUP :—" How many employees do these boards maintain at the Government expense and what are the

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jobs turned out by them? Do the boards maintain any paid officials and are the expenses incurred in maintaining them met by the State Government?"

THE HON. SRI A. B. SHETTY :—"Yes, Sir, I have already said the expenditure on the organization is Rs. 58,000 per annum and it is met by the State Government."

SRI S. RAMALINGAM :—"Are this Government getting any subsidy from the Government of India for maintaining this organization because most of the soldiers and sailors have served under the Government of India?"

THE HON. SRI A. B. SHETTY :—"Sir, the administration of this organization is carried on in co-ordination with the employment organization of the Government of India."

Village vaidyas

* 1804 *Q.*—SRI S. RAMALINGAM : Will the Hon. the Minister for Health be pleased to state when the Training School for Village Vaidyas at Tanjore will be re-opened?

THE HON. SRI A. B. SHETTY :—"The training centre at Tanjore will be re-opened from the 11th April 1955."

SRI S. RAMALINGAM :—"Thank you, Sir."

SRI M. P. SUBRAMANYAM :—"Are the Government aware of the fact that there are a large number of village vaidyas who have qualified themselves as village vaidyas and have not been absorbed in any of the rural dispensaries in the State? That being so, why should Government think of re-opening the training centre at Tanjore? Are the Government convinced that these village vaidyas possess adequate knowledge in treating at least minor diseases at least? If it is so, why have they not been absorbed in service?"

THE HON. SRI A. B. SHETTY :—"Sir, a representation was made for re-opening the centre which was working at Tanjore and closed a short time ago. This year 24 candidates belonging to Tanjore and adjoining district have applied for admission to this centre."

SRI S. DAIVASIGAMONEY :—"There is a saying in Tamil that a person who kills about a thousand persons will become only half a village vaidya. Is it the intention of the Government that such persons should be engaged as village vaidyas?"

THE HON. SRI A. B. SHETTY :—"These village vaidyas are already practising in villages. This is just to give them a little more training."

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Framing of rules under the Plantations Labour Act

* 1739 *Q.*—SRI M. KALYANASUNDARAM : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether the Government have framed rules for providing amenities to plantation workers, as required by the Central Act, viz., the Plantations Labour Act (LXIX of 1951); and

(*b*) if so, whether a copy of the same will be placed on the table of the House?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) No, Sir. The draft of the rules proposed to be made in exercise of the powers conferred by section 43 (1) of the Plantations Labour Act, 1951, has been published in the *Fort St. George Gazette*, dated 9th March 1955, for the information of the persons likely to be affected thereby and the said draft will be taken into consideration on or after 1st May 1955.

" (*b*) Does not arise."

SRI M. KALYANASUNDARAM :—" மத்திய சட்டம் நிறைவேற்றப்பட்டு நான்கு வருஷங்களாகியும் அதன் கீழ் விதிகள் ஏற்படுத்துவதற்கு இவ்வளவு கால தாமதம் ஆவதற்குக் காரணம் என்ன ?"

THE HON. SRI M. BHAKTAVATSALAM :—" மத்திய அரசாங்கம் தான் முதலில் விதிகளை டிராப்ட் செய்து அனுப்புவதாகச் சொன்னார்கள். அவர்கள் அனுப்பிய பிறகுதான் மேற்கொண்டு யோசிக்க வேண்டியதாக இருந்தது. அவர்கள் அனுப்பியபிறகு அதை யோசித்து நமது அபிப்பிராயத்தையும் மத்திய அரசாங்கத்திற்கு அனுப்பினோம். அதன் பிறகுதான் பதில் வந்தது. அதன் பிறகு தான் சற்றும் தாமதமாகாமல் விதிகள் பிரசுரிக்கப்பட்டிருக்கின்றன."

SRI K. P. GOPALAN :—" May I know from the Hon. Minister the machinery the Government have set up to see that these provisions of the Act are enforced by the plantation owners? As far as I know there is no such machinery. How can the Government see to the proper implementation of the Act without setting up such a machinery? "

THE HON. SRI M. BHAKTAVATSALAM :—" I would like to have notice, Sir."

SRI S. RAMALINGAM :—" மத்திய அரசாங்கத்திலிருந்து நம் அரசாங்கத்திற்கு முதலில் வந்த விதிகளுக்கும் இப்பொழுது பிரசுரிக்கப்பட்டிருக்கும் விதிகளுக்கும் ஏதாவது மாறுதல்கள் இருக்கின்றனவா ? அப்படி இருந்தால் எப்படிப்பட்ட விஷயங்களில் நம் சர்க்கார் மாறுதல்கள் செய்திருக்கிறார்கள்."

THE HON. SRI M. BHAKTAVATSALAM :—" சில மாறுதல்கள் தான் செய்யப்பட்டன. அப்படிப் பெரிய மாறுதல்கள் ஒன்றும் செய்யவில்லை. அந்த விதிகளை இப்பொழுது கெஜட்டில் பப்ளிஷ் செய்திருக்கிறோம்."

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SRI M. KALYANASUNDARAM :—" இப்பொழுது வெளியிடப்பட்டிருக்கும் நகல் விதிகளை பரிசீலனை செய்து ஒப்புக்கொண்டு அமுல் நடத்துவதற்கு எவ்வளவு காலமாகும் ? அதில் சொல்லப்பட்டிருக்கும் இன்ஸ்பெக்டர்ஸ் ஆப் ப்ளாண்டேஷன்ஸ் எப்பொழுது நியமிக்கப்படுவார் ?"

THE HON. SRI M. BHAKTAVATSALAM :—" விதிகள் பைனலைஸ் ஆனதும் இன்ஸ்பெக்டர் ஆப் ப்ளாண்டேஷன்ஸும் மற்ற அதிகாரிகளும் நியமிக்கப்படுவார்கள். அபிப்பிராயம் சொல்லக் கூடியவர்களும் அது சம்பந்தப்பட்டவர்களும் மே மாதம் முதல் தேதி வரையில் அபிப்பிராயம் சொல்லலாம் என்று நோட்டீஸ் கொடுக்கப்பட்டிருக்கிறது. அதுவரையில் பொறுத்திருந்து அதன்பிறகுதான் இந்த விதிகள் பைனலைஸ் ஆகும்."

Beggar Home for Kozhikode

* 1740 *Q.*—SRI C. KUNHIRAMA KURUP : Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) the reply given by the Government to the representation made by the Kozhikode Municipality to give financial aid to start a beggar home at Kozhikode ;

(*b*) what amount the Government are spending on the beggar home started by the Government in the Madras City ; and

(*c*) how many beggars there are in that home?

THE HON. SRI S. S. RAMASAMY PADAYACHI :—" The Kozhikode Municipal Council was told that with the establishment of the Care Camp and Care Home at Melapakkam (in the City) under the Government management, the Government have decided that the question of extending financial help for running Care Camps, and Care Homes in the mufassal should be deferred for the present and that it might be taken up for consideration after 1st April 1955 in the light of the working of the Care Camp and Care Home in the City. The municipal council was therefore informed that its request to extend the provision of the Madras Prevention of Begging Act to the municipality and its proposal to contribute Rs. 1,000 per mensem to the Rotary Club, Kozhikode, towards running a special home and work home for beggars would not be approved.

" On further representation the municipal council has been given an idea of the scale of expenditure involved in running a beggar home and it has been asked to obtain a resolution of the Rotary Club agreeing to provide the requirements of the home at its own cost without seeking Government aid. On receipt of the Council's reply, the question of permitting the municipal council to pay a contribution to the club will be considered."

" (*b*) About Rs. 1·3 lakhs for the past one year.

" (*c*) 500."

SRI K. MADHAVAN NAMBIAR :—" Sir, it is found that the beggars are removed from the streets whenever the Head of the State or Central Government Ministers visit the area. May I know whether this is the measure taken by the Government to solve the beggar problem."

THE HON. SRI S. S. RAMASAMY PADAYACHI :—" Government will never remove the beggars at the time of such visits."

Aid to weavers' co-operative societies in Madras and Saidapet

* 1741 *Q*.—

MR. SPEAKER :—" As the hon. Member is not in his place, the question and answer will be printed in the proceedings."

SRI N. K. PALANISAMY : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the number of co-operative weavers' societies that received either loan or grant from the Handloom Cess Fund in the Madras City and Saidapet Municipality ; and

(*b*) the amount so far granted during 1955?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) In 1954, four primary weavers' co-operative societies in the Madras City excluding the Saidapet area and two primary weavers' co-operative societies in the Saidapet area were granted either loans or subsidies or both from the Cess Fund.

" (*b*) During 1955, Rs. 376-14-0 and Rs. 7,619-2-0 respectively were granted as subsidies to the weavers' societies in Madras excluding the Saidapet area and those in Saidapet area towards recoupment of the rebate allowed by them on their sales."

Basic Training Schools in Malabar

* 1742 *Q*.—SRI K. R. VISWANATHAM (on behalf of Sri K. Kunhi Muhamed Shafee) : Will the Hon. the Minister for Finance be pleased to state the total number of students admitted in the basic training schools at Malappuram, Penur and Palghat in 1954 and the total number of students belonging to Mappilla Community among them?

THE HON. SRI C. SUBRAMANIAM :—" The information required is as follows :—

	Total admitted.	Mapillas.
Malappuram	80	31
Penur	40	4
Palghat	40	4"

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Closure of Government Dispensaries in Pudukkottai

* 1743 *Q.*—SRI V. BALAKRISHNAN : Will the Hon. the Minister for Health be pleased to state—

* (*a*) how many Government dispensaries have been closed in Pudukkottai Division, Tiruchirappalli, for want of doctors; and

(*b*) for how long they have been so closed?

THE HON. SRI A. B. SHETTY :—" (*a*) & (*b*) The Government dispensaries at Perungalur, Viralimalai and Tirugokarnam, have been closed from 24th May, 8th and 9th September 1954 respectively.

" The medical officer attached to the Alangudi dispensary has been visiting the dispensary at Karambakkudi for three alternate days in the week since 6th December 1952, the date on which the post of medical officer fell vacant. A medical officer has already been posted to each of the dispensaries at Karambakkudi and Viralimalai. Officers will be posted to the other two dispensaries shortly."

8-50 a.m. * 1744 *Q.*—SRI V. BALAKRISHNAN : Will the Hon. the Minister for Health be pleased to state—

(*a*) since when the Perungalur Government Dispensary in Pudukkottai, Tiruchirappalli district, has been closed; and

(*b*) when it is proposed to be opened?

THE HON. SRI A. B. SHETTY :—" (*a*) 24th May 1954.

" (*b*) It will be opened shortly."

Community project works in Erode taluk

* 1745 *Q.*—SRI K. T. RAJU (on behalf of Sri N. K. Palanisamy) : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the amount allotted for the Community Project Works in Erode taluk during the year 1954;

(*b*) the amount spent during that year;

(*c*) the number of officers employed in Erode for the execution of the works;

(*d*) the number of jeeps provided for these officers;

(*e*) the pay and other allowances given for these officers during 1954; and

(*f*) the total establishment charges in respect of the works executed in 1954?

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THE HON. SRI M. BHAKTAVATSALAM :—" (a) & (b) Allotment of funds is not made talukwise but for the Project as a whole. The allotment under works for 1954–55 is Rupees 1,95,050 and the expenditure from April to December 1954 is Rs. 2,12,793 for the Lower Bhavani Project.

" (c) Supervisors—15.

Assistant Engineers—2.

" (d) No jeeps have been provided solely for these officers.

" (e) Rs. 8,709-10-0.

" (f) Rs. 26,291-11-0."

Land Colonization Scheme

* 1746 *Q.*—SRI D. DASARATHAN (on behalf of Sri M. Dharmalingam) : Will the Hon. the Minister for Health be pleased to state—

(a) the amount allotted for the starting of land colony societies under the Land Colonization Scheme in the State;

(b) the number of societies so far started ; and

(c) whether any proposal is pending with the Government in regard to the starting of a society in Durai Nelvey village near Gummidipundi village in Ponneri taluk under this scheme?

THE HON. SRI A. B. SHETTY :—" (a) Land Colonization Schemes for civilians were first introduced in the year 1941. Figures relating to the amounts allotted for starting these schemes since 1941 are not available. In 1954–55 a sum of Rs. 23,600 was allotted as loans and Rs. 12,200 as free grants for starting two societies. No provision has been made in the Budget Estimate for 1955–56 for Land Colonization Scheme for civlians.

" (b) Since 1941, 26 societies have ben started in this State for civilians.

" (c) A proposal to organize a Land Colonization Society for Yenadis at Doranallur and Chinnambedu villages in Ponneri taluk is under investigation by the Deputy Registrar, Tiruvallur."

SRI M. P. SUBRAMANYAM :—" If the people in a particular area come forward to start these land colonizaton schemes, will the Government come forward to assist them. If so, what kind of assistnce the Government will give them?"

THE HON. SRI A. B. SHETTY :—" Each case will be investigated. The Government give help in various forms."

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Minimum wages for the employees of local bodies

* 1747 *Q.*—SRI S. PAKKIRISAMI PILLAI : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) The lowest rate of minimum wages recommended by the Minimum Wages Committee for the employees of local bodies;

(*b*) whether the recommendations of the said committee have been given effect to in all the local bodies?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) The Minimum Wages Committee for local authorities recommended the fixation of minium wages ranging from Rs. 32½ to Rs. 40 for the lowest category of workers employed under the different local authorities.

" (*b*) No, Sir. The Government have not accepted the recommentions of the committee, but have fixed different rates as minimum wages. No complaint has so far been received to the effect that the minimum rates fixed by Government have not been given effect to by any local body."

SRI S. PAKKIRISAMI PILLAI :—" I would like to know from the Hon. Minister whether the minimum wage of Rs. 18 is not a starvation wage. It is due to the payment of this starvation wage that the workers of local bodies are now seeking the help of the public by requesting them to pay ' bakshis ' periodically. May I also know from him the basis on which this minimum wage is fixed? "

THE HON. SRI M. BHAKTAVATSALAM :—" It is not Rs. 18 that has been fixed as the minimum wage by the Government. They fix an all-inclusive minimum rate of wages of Rs. 25 per mensem for Grades I and II and Rs. 40 per mensem for Grades III, IV and V on the basis of the classification made by the committee. The Government are empowered to fix the minimum rates of wages under section 5 of the Minimum Wages Act and after taking into account all aspects of the recommendations of the Minimum Wages Committee the Government came to this conclusion."

SRI K. P. GOPALAN :—" The Hon. Minister has just now stated that the Government have fixed an all-inclusive minimum wage of Rs. 25, which includes dearness allowance. The dearness allowance will come to about Rs. 17 and actually the minimum basic wage is Rs. 8 for municipal workers in the State. Therefore, will the Government consider the whole question as a labour dispute and refer it to the Labour Commissioner or will they be prepared to ask the local authorities to increase their wages? "

THE HON. SRI M. BHAKTAVATSALAM :—" I do not know whether this will come under the Industrial Dispute Act."

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SRI M. NARAYANA KURUP :—" The Hon. Minister has stated that there are five categories of local bodies and they have been classified for the purpose of fixing minimum wages. Will the Government periodically review this classification so that fair wages could be fixed? "

THE HON. SRI M. BHAKTAVATSALAM :—" Yes, Sir, that may be done but not frequently."

SRI N. K. PALANISAMY :—" கார்ப்போரேஷன் அதிகாரிகளுக்கு அவர்கள் இஷ்டப்படி சம்பளம் நிர்ணயிக்க அதிகாரம் கொடுத்திருக் கிறார்களா ? அப்படி இல்லையென்றால் அவர்கள் ஏன் தங்கள் இஷ்டப்படி சம்பளம் நிர்ணயிக்கிறார்கள் ? அதற்குக் காரணம் என்ன ? "

THE HON. SRI M. BHAKTAVATSALAM :—" இவ்வளவு தான் மினிமம் வேஜஸ் இருக்கவேண்டுமென்று நிர்ணயித்திருக்கிறோம். ஆகவே கார்ப்போரேஷன் அதிகாரிகள் தங்கள் இஷ்டம்போல் நிர்ணயிக்க முடியாது. "

SRI S. PANCHAKSHARAM :—" What are the five categories of employees for whom these wages have been fixed? "

THE HON. SRI M. BHAKTAVATSALAM :—" The Madras Corporation comes under grade I. Then come the municipalities of Madurai, Coimbatore, Tiruchirappalli, Kozhikode and hill station municipalities. Then come other municipalities and Mettur Township. Then come panchayat boards. Then come the district boards having headquarters at Madurai, Tiruchirappalli, Kozhikode and Coimbatore and hill station municipalities. Then comes the fifth category of other district boards."

SRI M. KALYANASUNDARAM :—" சர்க்கார் நிர்ணயத்துள்ள குறைந்தபட்ச சம்பளமானது ஏற்கனவே பல முனிசிபாலிட்டிகள், பல ஸ்தல ஸ்தாபனங்கள் ஆகியவை கொடுத்துவரும் சம்பளத்தை விட மிகக் குறைவாக இருக்கிறது. ஆனால் சில பஞ்சாயத்து போர்டுகள் சர்க்கார் நிர்ணயித்துள்ள அடிப்படை குறைந்த பட்ச சம்பளத்தையே கொடுப்ப தில்லை. எல்லா பஞ்சாயத்து போர்டுகளும் இந்த அடிப்படைச் சம்பளம் கொடுக்கவேண்டுமென்பதற்கு சர்க்கார் என்ன நடவடிக்கை எடுக்கப் போகிறார்கள் என்பதை அறிய விரும்புகிறேன் ?"

THE HON. SRI M. BHAKTAVATSALAM :—" குறிப்பாக எந்தெந்த பஞ்சாயத்து போர்டுகள் இந்த குறைந்த பட்ச சம்பளத்தைக் கொடுக்கவில்லை என்று சொன்னால் ஸ்தல ஸ்தாபன இலாகாவின் மூலம் நடவடிக்கை எடுக்கப்படும். "

SRI K. T. RAJU :—" கனம் சபாநாயகர் அவர்களே, நமது ராஜ் யத்தில் ஸ்தல ஸ்தாபனங்களில் நிறையப் பேர்கள் வேலை செய்கிறார்கள். அவர்களுடைய சம்பளத்தைப் பொறுத்த விஷயம் இது. இதைப்பற்றி விவரமாக விவாதிக்க ஒரு அரை மணி நேரம் ஒதுக்கவேண்டுமென்று கேட்டுக் கொள்ளுகிறேன். "

MR. SPEAKER :—" அரை மணி நேரம் எப்படிக் கொடுக்க முடியும் ? இன்றைக்கு இரவு 8-30 மணியிலிருந்து 11 மணி வரையில் மீட்டிங் இருக்கிறது. அதற்கு மேல் அரை மணி நேரம் விவாதம் கொடுக்க முடியாது. நாளைக்கும் இரவுக் கூட்டம் இருக்கிறது. "

SRI N. K. PALANISAMY :—" சர்க்கார் நிர்ணயித்திருக்கும் குறைந்த பட்ச சம்பளத்தைக் கொடுக்கும் முனிசிபாலிட்டிகள் சிலவற்றில்

முன்பு கொடுத்துக் கொண்டிருந்த ஹவுஸ் அலவன்ஸை நிறுத்தி விட்டார்கள். குறைந்த பட்ச சம்பளமும், முன் போலவே ஹவுஸ் அலவன்சும் கொடுக்கும்படி சர்க்கார் உத்திரவு போடுவார்களா ?"

THE HON. SRI M. BHAKTAVATSALAM :—" அதைப்பற்றி ஸ்தல ஸ்தாபன மந்திரி அவர்களைக் கவனிக்கச் சொல்லுகிறேன்."

SRI M. KALYANASUNDARAM :—" மணப்பாரையில் பஞ்சாயத்து போர்டுக்கும், சிப்பந்திகளுக்கும் தகராறு. அது சம்பந்தமாக சில தொழிலாளர்கள் வேலையைவிட்டு நீக்கப்பட்டிருப்பதும், அருப்புக்கோட்டை முனிசிபாலிட்டியிலும் இது பற்றி தொழிலாளர்களின் பேரில் நடவடிக்கை எடுக்கப்பட்டிருப்பதும் கனம் மந்திரி அவர்கள் கவனத்திற்கு வந்திருக்கிறதா ? வந்திருக்கிறதென்றால் அதன் பேரில் என்ன நடவடிக்கை எடுக்கப்பட்டிருக்கிறது ?"

THE HON. SRI M. BHAKTAVATSALAM :—" என்னிடம் அதுபற்றிய விவரங்கள் எதுவும் இல்லை. இது ஸ்தல ஸ்தாபன மந்திரி அவர்களால் கவனிக்கப்பட்டு வருமென்று நினைக்கிறேன்."

Government Hospital, Wandiwash

9 a.m. * 1748 *Q.*—SRI D. DASARATHAN : Will the Hon. the Minister for Health be pleased to state when the construction of the maternity ward in the Government Hospital at Wandiwash will be completed?

THE HON. SRI A. B. SHETTY :—" The work is expected to be completed before the end of the financial year 1955–56."

SRI D. DASARATHAN :—" Sir, may I know from the Hon. Minister the proposed estimated cost of the work and whether the local panchayat board has paid the contribution demanded by the Government? "

THE HON. SRI A. B. SHETTY :—" Sir, no contribution was demanded by the Government. The Hospital Maternity Home Building Committee expected some contribution but the donations once offered were not actually received. The Collector of North Arcot has taken up the construction of the Maternity ward in the hospital under the Local Development Scheme."

Minor irrigation works, South Arcot district.

* 1749 *Q.*—SRI K. ARANGANATHAN : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) the amount allotted to South Arcot district out of the Central Government fund to minor irrigation works during 1953 and 1954; and

(*b*) whether the entire amount was spent on minor irrigation works?

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THE HON. SRI M. A. MANICKAVELU :—" (a) Rs. 1.65 lakhs was allotted to South Arcot district for execution of irrigation works under the Special Minor Irrigation Programme for the financial year 1953–54.

" (b) Yes."

SRI S. THINAKARASAMI THEVAR :—" Sir, in the matter of entrusting minor irrigation contracts works, will the Government give first priority to the ayacutdars instead of entrusting them to contractors who mainly depend upon profits? I put this question with reference to the South Arcot district? "

THE HON. SRI M. A. MANICKAVELU :—" Sir, it is a general question. If the hon. Member puts a separate question, I shall give the answer."

Planting of sesbania and prosopis seeds

* 1750 *Q.*—SRI S. R. ARUMUGAM : Will the Hon. the Minister for agriculture be pleased to state who is to bear the cost of sesbania and prosopis seeds for planting in demonstration fields and on road sides?

THE HON. SRI M. BHAKTAVATSALAM :—" Under the Vanamahotsavam Scheme the cost of prosopis seeds sown on the road margins is met by the Highways department in the case of roads under the control of that department and from the Collectors' discretionary grant in respect of other roads. The cost of sesbania seed used for planting in fields is met by the ryots owning the lands in which it is sown."

SRI S. R. ARUMUGAM :—" செஸ்பேனியா செடிகளை நடுவதற்காக விவசாய மேஸ்திரிகளை டெமான்ஸ்ட்ரேடர்கள் அடிக்கடி அனுப்பிவிடுகிறார்கள். விவசாயப் பயிர்களுக்கு பூச்சி விழுந்துவிட்டதென்றால் அதற்கு வேண்டிய பரிகாரத்தைத் தேடவேண்டுமென்று டெமான்ஸ்ட்ரேடரைக் கேட்டுக்கொண்டால், ' மேஸ்திரிகள் செஸ்பேனியா நடுவதற்குப் போயிருக்கிறார்கள் ' என்று சொல்லப்படுகிறது. செஸ்பேனியா விஷயத்திற்கு விவசாய இலாகாவினர் அதிக முக்கியத்துவம் கொடுப்பதன் காரணமாக சாதாரண விவசாய அபிவிருத்தி வேலைகளுக்குக் குந்தகம் ஏற்படுகிறது. அதை அவர்களால் காலாகாலத்தில் செய்யமுடிவதில்லை. செஸ்பேனியா நடுவதை விவசாயிகளின் இஷ்டத்திற்கு விட்டுவிட்டு, விவசாய டெமான்ஸ்ட்ரேடர், மேஸ்திரி முதலானவர்கள் விவசாய அபிவிருத்தி சம்பந்தமான வேலைகளில் ஈடுபடும்படி சர்க்கார் ஏற்பாடு செய்வார்களா ? "

THE HON. SRI M. BHAKTAVATSALAM :—" விவசாயிகளின் நன்மைக்காகத்தான் செஸ்பேனியா விஷயத்தில் கவனம் செலுத்தப்படுகிறது. ஆனால். அதற்காக விவசாய டெமான்ஸ்ட்ரேடர்கள் மற்ற வேலைகளைக் கவனிக்காமல் இருக்கக்கூடாது. விவசாய இலாகாவினர் மற்ற விவசாய அபிவிருத்தி வேலைகளைப் புறக்கணிக்காமலிருக்கும்படி சர்க்கார் பார்த்துக்கொள்வார்கள்."

Sri D. K. RAJU :—" Sir, in view of the fact that the trees are stunted in growth, what is the idea of the Government in planting them on the road sides? Is it for the purpose of shade or for any other purpose? "

The Hon. Sri M. BHAKTAVATSALAM :—" Sir, it will serve not only the purpose of shade but the purpose of fuel cutting also whenever the trees are ripe for cutting."

Sri S. R. ARUMUGAM :—" விவசாய இலாகாவில் இருக்கக்கூடிய பீல்ட்மென், மேஸ்திரிகள் போன்றவர்களுக்கு ரூ. 65, ரூ. 70-க்கு மேல் சம்பளம் கொடுக்கப்படுகிறது. அப்படிப்பட்டவர்கள் செஸ்பேனியா, கிளிரிசீடியா போன்ற செடிகளை நடுவதற்கு அனுப்பப்படுவதினால் காலாகாலத்தில் கவனிக்கவேண்டிய மற்ற விவசாய வேலைகளை கவனிக்க முடியாமல் போகிறது. மேலும், இப்படிப்பட்டவர்கள் ஒரு நாளைக்கு இம்மாதிரி வேலையை செய்வதினால் குறைந்தது இரண்டு ரூபாய் வீதம் செலவாகிறது. தினம் இரண்டு ரூபாய்க்கு மேல் சம்பளம் பெறக்கூடியவர்கள் செடி நடுவது, தண்ணீர் ஊற்றுவது போன்ற வேலைகளுக்கு அனுப்புவதை விட கூலி ஆட்களை நியமித்து தினம் எட்டணா கூலி கொடுத்தால் கூட இம்மாதிரி வேலைகளைச் செய்துவிடுவார்கள். தண்ணீர் ஊற்றுவது, செடி நடுவது போன்ற சிறு வேலைகளைச் செய்வதற்குக் கூட பீல்ட்மென், மேஸ்திரிகள் அனுப்பப்படாமல் இருந்தால், அவர்கள் விவசாய அபிவிருத்தி சம்பந்தமான வேலைகளிலும், பூச்சித் தொந்தரவுகளின்றும் பயிர்களைக் காப்பதற்கு வேண்டிய வேலைகளிலும் அவர்கள் ஈடுபட அவகாசம் இருக்குமல்லவா ? "

The Hon. Sri M. BHAKTAVATSALAM :—" தண்ணீர் ஊற்றுவது போன்ற சிறிய வேலையைச் செய்கிறார்கள் என்பதற்காக மேஸ்திரிகளுக்கு சம்பளம் குறைத்துக் கொடுக்கவேண்டுமென்று கனம் அங்கத்தினர் சொல்லவில்லையென்று நான் நினைக்கிறேன். வேலையைத் தகுந்தபடி செய்யவேண்டுமென்றால் பொறுப்புள்ளவர்கள் செய்வதுதான் நலம். மற்ற வேலைகளுக்குக் குந்தகம் இல்லாமல் விவசாய இலாகா சிப்பந்திகள் வேலைகளைக் கவனிக்கும்படி பார்த்துக் கொள்வார்கள்."

Sri S. PANCHAKSHARAM :—" Sir, the Hon. Minister may be aware of the fact that the hon. Member Sri P. G. Karuthiruman, a Member from Coimbatore, has expressed his views on the floor of this House more than once that sesbania is no good as green manure. Have the Government gone into the matter and if so, what is the present view of the Government? "

The Hon. Sri M. BHAKTAVATSALAM :—" Sir, I have also said in this House more than once that the hon. Member Sri Karuthiruman is anexpert and that experts do differ. The Government have their own views in the matter."

Sri M. NARAYANA KURUP :—" Sir, are the Government aware that the planting of trees on the road sides damages the roads sooner than in other cases? "

The Hon. Sri M. BHAKTAVATSALAM :—" That may be so. The conditions of such areas will be taken into account when the Government pursue their programme of planting trees? "

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SRI S. DAIVASIGAMONEY :—" Sir, may I know from the Hon. Minister as to what are the advantages the ryots will get by planting sesbania in the fields? "

THE HON. SRI M. BHAKTAVATSALAM :—" I may tell the hon. Member that sesbania is an easily grown seed manure plant and the ryots will have increased production if they plant sesbania in their fields."

SRI N. C. RAMASAMY KANDER :—" மலைப் பிரதேசங்களில் இருக்கக் கூடிய விவசாயிகளுக்கு விவசாய அதிகாரிகள் இருக்கும் விஷயமே அநேகமாகத் தெரியாது. விவசாயத்தை அபிவிருத்தி செய்வதற்காகவும், விவசாயிகளுக்கு யோசனை சொல்வதற்காகவும் சர்க்கார் விவசாய டெமான்ஸ்ட்ரேட்டரையும், பீல்ட்மென், மேஸ்திரி போன்றவர்களையும் நியமித்திருக்கிறார்கள் என்ற விஷயம் அநேக கிராமங்களில், குறிப்பாக மலைப் பிரதேசங்களில் இருக்கக்கூடிய விவசாயிகளுக்குத் தெரியாமல் இருக்கிறது. பிர்கா ஹெட்குவார்ட்டர்ஸில் மாத மொரு முறை கிராம ஜனங்களைக் கூட்டமாகக் கூட்டி, அந்தக் கூட்டத்தில் விவசாய டெமான்ஸ்ட்ரேடர் போன்ற அதிகாரிகள் வந்து சர்க்கார் விவசாயத்திற்காகச் செய்யக் கூடிய காரியங்களைப் பற்றியும், ஜப்பானிய நெல் சாகுபடி முறை போன்ற விஷயங்களையும் எடுத்துக் கூறினால், விவசாயிகளுக்கு நன்மை அளிக்கக் கூடியதாக இருக்கும். அம்மாதிரி ஏற்பாடு செய்வதற்கு கனம் மந்திரி அவர்கள் முயற்சிப்பார்களா ?"

THE HON. SRI M. BHAKTAVATSALAM :—" கனம் அங்கத்தினர் கூறுவது ரொம்ப நல்ல யோசனை. அந்த யோசனையை அரசாங்கம் கவனிக்கும்."

SRI A. SAMBASIVAM :—" செஸ்பேனியா, கிளிரிசீடியா போன்ற இருவகைச் செடிகளில் செஸ்பேனியாவைப்பற்றி பொதுவாக விவசாயி களிடத்திலும் இங்குள்ள பல அங்கத்தினர்களிடத்திலும் ' அது சரியான முறையில் பயன்படவில்லை ' என்ற அபிப்பிராயம் இருக்கிறது. செஸ் பேனியா விதைகளை குறிப்பிட்ட அளவு விவசாயிகளுக்கு விற்றாக வேண்டு மென்ற நிர்பந்தம் இருப்பதால் குறைந்த சம்பளமுள்ள விவசாய இலாகா சிப்பந்திகள் தங்களுடைய சம்பளத்தினின்றும் ஒன்றிரண்டு ரூபாய் கட்டவேண்டிய அவசியம் ஏற்பட்டிருக்கிறது. செஸ்பேனியாவினால் பயன் இல்லை என்பதோடு அதிகமாக நேரம் செலவாகிறது, சிறு சிறு சிப்பந்திகள் தங்கள் கையிலிருந்து பணம் கட்டவேண்டிய நிலைமை ஏற்படுவது ஆகிய மூன்று காரணங்களையும் கணக்கெடுத்துக் கொண்டு செஸ்பேனியா வைச் கைவிட்டுவிடுவதினால் பெரிய நஷ்டம் வராது என்று நான் கருதுகின் றேன். ஆனால் கிளிரிசீடியா விஷயம் என்னவென்றால் அது வெட்டப் பட்டாலும் மீண்டும் மீண்டும் தழைப்பதற்கு வசதியாக இருக்கிறது. ஆகவே, கிளிரிசீடியா ஒன்றை மாத்திரம் அபிவிருத்தி செய்துக்கொண்டு, செஸபேனியாவைக் கைவிடுவதைப் பற்றி அரசாங்கம் யோசனை செய்யுமா ?"

THE HON. SRI M. BHAKTAVATSALAM :—" செஸ்பேனியாவின் நல்ல பலனைப் பற்றி இந்தச் சபையிலுள்ள அங்கத்தினர்களும் வெளி யில் உள்ளவர்களும் பெரும்பாலோர் மாறுபட்ட அபிப்பிராயம் கொண்டிருக்கிறார்கள் என்று கனம் அங்கத்தினர் சொல்லுவதை நான் ஒப்புக்கொள்ள முடியாது. செஸ்பேனியா ஒரு சிலருக்குப் பிடிக்காமலிருக்கலாம். அதற்காக அவர்கள் மாறுபட்ட அபிப் பிராயத்தை தெரிவிக்கலாம். ஆனால் விவசாயம் செய்யக்கூடிய அநேக இடங்களில் நான் போய்ப் பார்த்து பலருடைய அபிப் பிராயத்தை நான் தெரிந்துக்கொண்டிருக்கிறேன். அவர்கள் செஸ் பேனியா விஷயத்தில் மிகுந்த திருப்தியைத் தெரிவித்திருக்கிறார்கள். ஆகையால் அதைக் கைவிடுவது நல்லதல்ல. அதை நன்றாகப் பரவச் செய்யவேண்டுமென்று விவசாய டெமான்ஸ்ட்ரேட்டர்களுக்கும், இதர சிப்பந்திகளுக்கும் சொன்னால், அது சரியாக பயன் அளிப்பதில்லை

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என்று புகார் சொல்லப்படுகிறது. விவசாய இலாகா அதிகாரிகளும் சிப்பந்திகளும் இதை நல்ல முறையில் விவசாயிகளுக்கு எடுத்துச் சொல்லி அதன் மூலம் விவசாயிகள் பலன் அடையச் செய்யவேண்டு மென்று அரசாங்கம் காரியங்களைச் செய்யும்போது கனம் அங்கத் தினர்கள் ஆட்சேபிப்பது சரியல்ல. சிப்பந்திகளின் சம்பளத்தி லிருந்து செலவிடும்படி வற்புறுத்தப்படுவதில்லை. ஓரளவு நிர்ப்பந் தம் இருந்தால்தான் வேலை சரிவர நடக்கமுடியும். ஆனால், சிப்பந்திகள் தங்களுடைய சம்பளத்திலிருந்து செலவழிக்க யாரும் வற்புறுத்தப்படமாட்டார்கள். விசாரித்ததில் அதற்கெல்லாம் இடம் இல்லையென்றுதான் தெரிந்தது."

SRI S. R. ARUMUGAM :—"சீமை கருவேலஞ் செடிகளை வேலிகளில் பயிரிடும்போது பயிர்களின் வேர்கள் பாதிக்கப்பட்டு பயிர்கள் கெட்டுப் போவதாக விவசாயிகள் அறிந்திருக்கிறார்கள். அப்படியிருக்கும் போது அதை நடவேண்டுமென்று ஏன் விவசாயிகளை சர்க்கார் நிர்ப்பந்தப் படுத்துகிறார்கள்?"

THE HON. SRI M. BHAKTAVATSALAM :—"கனம் அங்கத்தின ருக்கு நான் சொல்லுவது என்னவென்றால், அனுவசியமான வீண் பீதி கொள்ள வேண்டாம். வீண் பீதியை ஏற்படுத்தவும் வேண்டாம் என்பதுதான். நிபுணர்கள் ஆராய்ச்சி செய்து பார்த்துதான் சொல்லுகிறார்கள். விவசாயிகளும் இது பற்றி ஆட்சேபணை தெரிவிக்கவில்லை."

SRI P. VENKATESA SHOLAGAR :—"சமீப காலத்தில் கனம் மந்திரி அவர்கள் அந்த விதையைப் பிரபலப்படுத்துவதற்காக கூத்தா நல்லூரில் செஸ்பேனியா விதையைக் கொட்டி அளந்தது மாதிரியே பணத்தையும் கொட்டி அளந்து கொடுத்தார்கள் என்று சொன்னார். ஆனால், அதே சமயத்தில் தஞ்சை ஜில்லாவில் கொளிஞ்சி, பில்லிபசரா மூட்டையொன்று 15 முதல் 20 ரூபாய் வரையில் விற்றுக்கொண்டிருந்தது. இப்பொழுது 40லிருந்து 60 ரூபாய் வரையில் விற்றிருக்கிறது. கொளிஞ்சி, பில்லிபசரா விதைகளை விவசாயிகள் அமோகமாக வாங்குகிறார்கள். ஆனால், அந்த விதைகள் சல்லிசான விலையில் கிடைக்கவில்லை. அதே சமயத்தில் செஸ்பேனியாவை அரசாங்கத்தார் பிரபலப்படுத்துகிறார்கள். எந்த விதைகளை விவசாயிகள் விரும்பி எடுத்துக் கொள்ளுகிறார்களோ அந்த விதைகள் சுலபமாகக் கிடைக்க ஏற்பாடு செய்யப்படவேண்டும். ஆகவே பில்லிபசரா, கொளிஞ்சி விதைகளை அதிகமாக உற்பத்திசெய்வதற்காக சர்க்கார் முயற்சி எடுத்துக்கொள்ளுமா?"

9-10 a.m. THE HON. SRI M. BHAKTAVATSALAM :—"கூத்தாநல்லூரில் நடைபெற்றதைப் பற்றி கனம் அங்கத்தினர் குறிப்பிட்டார். நான் பார்த்ததிலிருந்து தெரிந்துக் கொண்டதென்னவென்றால், செஸ் பேனியாவின் உபயோகத்தை அநேக விவசாயிகள் உணர்ந்திருக் கிறார்கள், என்று புலப்பட்டது. பத்தாயிரம் ரூபாய் வரையில் செஸ் பேனியா விதை அங்கு விற்கப்பட்டிருக்கிறது என்று தெரிந்தது. கொளிஞ்சி, பில்லிபசரா ஆகியவைகளை விவசாயிகள் உபயோகிக்க வேண்டாம் என்று யாரும் சொல்லவில்லை. விவசாயத்திற்கு உதவி யாக இருக்கக்கூடிய எல்லாவற்றிற்கும் எவ்வளவு ஆதரவு அளிக்கவேண்டுமோ அவ்வளவும் அளிக்கலாம். விவசாயிகளுக்கு எந்தெந்தவற்றில் நம்பிக்கை இருக்கிறதோ அந்த விதைகளை விவ சாயிகளே மேற்கொண்டு உற்பத்தி செய்துகொள்ளுவதற்கு முற்பட வேண்டும்."

SRI S. RAMALINGAM :—"செஸ்பேனியா விதைக்கும், பில்லிபசரா, கொளிஞ்சி போன்ற விதைகளுக்கும் போட்டி எங்களுடைய தஞ்சை ஜில்லாவில் கிடையாது. கனம் அங்கத்தினர் ஸ்ரீ வெங்கடேச சோளகர் சொன்னதென்னவென்றால் பில்லிபசரா விதைகளும் கொளிஞ்சி விதை களும் சுலபமாகக் கிடைக்கவில்லை, ஏற்கெனவே விற்றுவந்த விலையை விட மிக அதிகமாக உயர்ந்துவிட்டது, அதனால் விவசாயிகள் அதிகமாக கஷ்டப்

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படுகிறார்கள் என்பதுதான். ஆகவே பில்லிபசரா, கொளிஞ்சி போன்ற விதைகளை சேகரிக்க ஏற்பாடு செய்து, சர்க்கார் இலாகா மூலமாக விவசாயி களுக்குக் கொடுக்க நடவடிக்கை எடுத்துக் கொள்ளுவார்களா ?"

THE HON. SRI M. BHAKTAVATSALAM :—" எந்தெந்த விவசாயி கள் என்னென்ன ரக விதையைக் கேட்கிறார்களோ அதை சரசமான விலைக்குக் கொடுப்பதற்குத்தான் அரசாங்கம் கவனம் செலுத்திவரு கிறது."

SRI S. THINAKARASWAMI THEVAR :—" செஸ்பேனியா உண்மை யிலேயே நல்லது சிறந்தது என்றிருந்த போதிலும்கூட பயிர் களிலே கதிர் வாங்கும் காலத்தில் விசேஷ பலன் கிடைக்காமல் இருக்கிறது. செஸ்பேனியாவை பயிரிடும்போது தண்ணீரைப் பக்குவமாக உபயோகித்து பயிர் செய்தாலொழிய அதை காப்பாற்ற முடிவதில்லை. ஆனால், நெட்டி விதைகளை இலகுவாகப் பயிர் செய்யலாம். அதை உபயோகப்படுத்துவதி னால் விசேஷ பலன் கிடைக்கிறது. கதிர்களும் நன்றாக வருகிறது. நெட்டி விதையை எல்லா இடங்களிலும் விதைத்து தாள் உரத்தை உபயோகிக்கும் முறையில் ஏற்பாடு செய்யலாம். இதில் சர்க்கார் விசேஷ கவனம் செலு த்துவார்களா ?"

THE HON. SRI M. BHAKTAVATSALAM :—" சர்க்கார் கவனம் செலுத்தும். திருமங்கலம் தாலுகாவைச் சுற்றியுள்ள விவசாயி களுக்கு இதை எடுத்துச் சொல்லி, கனம் அங்கத்தினர் கொஞ்சம் ஆதரவு கொடுத்தால் விவசாய இலாகாவைப் பொறுத்த மட்டில் எவ்வளவு ஆதரவு இது விஷயத்தில் அளிக்கவேண்டுமோ அந்த அளவுக்கு ஆதரவு அளிக்கலாம் என்று கனம் அங்கத் தினருக்குத் தெரிவித்துக் கொள்ளுகின்றேன்."

Local Fund Dispensary, Tirukkoyilur

* 1751 *Q.*—SRI A. MUTHUSWAMI : Will the Hon. the Minister for Health be pleased to state—

(*a*) whether the Government have any proposal to convert the local fund dispensary in Tirukkoyilur into a Government hospital; and

(*b*) if so, the stage at which the matter stands now?

THE HON. SRI A. B. SHETTY :—" (*a*) No, Sir.

" (*b*) Does not arise."

SRI A. MUTHUSWAMI :—" திருக்கோயிலூர் லோகல் பண்டு ஆஸ்பத் திரியில் சென்ற இரண்டு வருஷ காலமாக லேடி டாக்டரைப் போடாமல் இருக்கிறார்கள். திருக்கோயிலூர் மேஜர் பஞ்சாயத்தாக இருப்பதனாலும், தாலுகாவுக்குத் தலைநகராக இருப்பதனாலும் அங்கு சிகிச்சை செய்து கொள்ள வரும் கூட்டங்களை ஒரு Male டாக்டரினால் சமாளிக்க முடியவில்லை. ஆதலால் அந்த ஆஸ்பத்திரிககு ஒரு லேடி டாக்டரைப் நியமிப்பதற்கு சர்க்காா ஏற்பாடு செய்வார்களா ?"

THE HON. SRI A. B. SHETTY :—" The need for posting a woman doctor will be given proper consideration."

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State-aid institutions aided by the Central Social Welfare Board

* 1752 Q.—SRI K. R. VISWANATHAN : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether any institutions receiving assistance from the Central Government through the Central Social Welfare Board, is eligible for aid from the State Government under the Local Development programme; and

(b) if so, what percentage is the State aid to the Central aid?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) No, Sir, if the aid sought for, is for the same purpose.

" (b) Does not arise."

Action taken against some merchants in Tiruppur

* 1753 Q.—SRI P. S. RANGASAMI NAIDU : Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that action has been taken by the local authorities of the Commercial Tax Department against some merchants at Tiruppur even after the amount of assessment was paid by them for the year 1954–55; and

(b) if so, why?

THE HON. SRI M. A. MANICKAVELU :—" (a) There are no cases of the kind referred to by the hon. Member.

" (b) Does not arise."

MR. SPEAKER :—" Questions 1754 to 1760 will be taken together."

Palar water for North Arcot and Chingleput districts

* 1754 Q.—SRI N. K. PALANISAMY : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any proposal was sent to the Central Government regarding the utilization of the Palar River water for irrigation in North Arcot district; and

(b) if so, whether the Government will be pleased to place on the table of the House the papers connected with the same.

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" (a) No proposal as such was sent to the Central Government; but while informing that Government of the position in regard to Palar irrigation in response to a call from them this Government in June 1954 sought the use of the good offices of that Government in the matter of this Government obtaining from the Government of Mysore full and correct information regarding the capacity of and the use of waters in their works in the Palar basin. This Government are now considering a proposal to request the Government of India to

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constitute a Council under Article 263 of the Constitution of India to make enquiries into the matter and suggest suitable remedies. The proposal envisages the council being comprised of persons not belonging to either of the two States involved.

" (b) The Government consider that no useful purpose will be served by placing the papers on the table of the House."

* 1755 Q.—SRI K. ARANGANATHAN : Will the Hon. the Minister for Public Works be pleased to state the present stage of the proposal for getting water to North Arcot and Chingleput districts from the Palar river by arrangement with the Mysore Government?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" This Government are actively considering a proposal to request the Government of India to constitute a council under Article 263 of the Constitution of India to make enquiries into the matter and suggest suitable remedies. The proposal envisages the council being comprised of persons not belonging to either of the two States involved."

* 1756 Q.—SRI A. RATNAM : Will the Hon. the Minister for Public Works be pleased to state the steps taken by the Government to get more water in the Palar for purposes of Irrigation in the North Arcot and Chingleput districts, by way of negotiations with the Mysore Government or representations made to the Union Government or otherwise?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Certain suggestions made in 1949 for getting more water in the Palar were examined by the Government in consultation with the Chief Engineer but it was ultimately found that no steps could be taken as suggested. But the question of unlawful interception of supplies in the river in the limits of Mysore had been examined from time to time during the previous three decades. In the process the Government of Mysore has been addressed for information several times. But the information actually obtained had not been helpful for arriving at a definite conclusion.

" Recently while replying to a reference from the Union Government in the matter, this Government requested them to use their good offices in the matter of supply to this Government a full and correct information by Mysore regarding the capacity of and the use of waters in the works in the Palar basin in Mysore limits. This Government are now considering a proposal to request the Government of India to constitute a council under Article 263 of the Constitution of India to make enquiries into the matter and suggest suitable remedies. The proposal envisages the council being comprised of persons not belonging to either of the two States involved."

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* 1757 *Q.*—Sri P. JEEVANANDAM: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) the terms of agreement reached by the Mysore State Government with this Government in the year 1892 regarding the sharing of the Palar River water;

(*b*) whether any other agreements or adjustments have been made subsequently in the matter;

(*c*) whether the conditions were respected till recently;

(*d*) if any of the conditions have been violated, what they are; and

(*e*) what action this Government have taken on such violations?

The Hon. Sri R. SHANMUGA RAJESWARA SETHUPATHI :—" (*a*) The Palar is one of the rivers coming within the scope of the agreement of 1892 between Madras and Mysore Governments and no new anicut or reservoir which would result in the diversion of water from the river beyond certain limits can be constructed by Mysore without the previous consent of Madras.

" (*b*) Yes. An understanding was reached in regard to the Bethamangalam tank in Mysore State in 1902 when the Mysore Government proposed to increase the capacity of the Bethamangalam tank. They agreed that the waters of this tank would be used only for domestic and industrial purposes of the Kolar Gold Fields and that the yearly draw-off of 72 m.c. feet would not at any time be increased without a previous reference to the Madras Government.

" In 1933, the Mysore Government agreed to examine whether and to what extent, it would be possible to supply the information asked for by the Madras Government and if so, at what cost.

" (*c*) Yes, so far as information is available to this Government.

" (*d*) Does not arise.

" (*e*) Does not arise. However, this Government are now considering a proposal to request the Government of India to constitute a Council under Article 263 of the Constitution of India to make enquiries into the matter. The proposal envisages the Council being comprised of persons not belonging to either of the two States involved."

* 1758 *Q.*—Sri P. JEEVANANDAM: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether the Government have received any memorandum recently from the Committee constituted by the Palar Basin Agriculturists' Conference held in the first week of January 1955,

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regarding a co-ordinated scheme of irrigation works under the Palar river system and requesting the Government to publish a White Paper giving all information relating to this problem; and

(*b*) if so, the action taken thereon?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" (*a*) & (*b*) A memorandum on the subject setting forth the resolutions passed at the North Arcot-Chingleput Ryots Conference held at Kaveripakkam on 26th December 1954 was received in January 1955. The Government are now considering a proposal to request the Government of India to constitute a Council under Article 263 of the Constitution of India to make enquiries into the matter and suggest suitable remedies. The proposal envisages the Council being comprised of persons not belonging to either of the two States involved."

* 1759 *Q.*—SRI S. PANCHAKSHARAM : Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether it is a fact that the Government of Madras have addressed the Government of India seeking their good offices for the settlement of the disputes between Madras and Mysore over the sharing of the Palar waters;

(*b*) if so, whether the Government have received any reply;

(*c*) if no reply has been received, whether the Government have sent a reminder; and

(*d*) whether the Government propose to issue a white paper on the sharing of the Palar waters as requested by the North Arcot, Chingleput Ryots' Conference held at Kaveripakkam on 26th December 1954?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" (*a*) No. This Government propose to address the Government of India.

" (*b*) & (*c*) Does not arise.

" (*d*) No."

* 1760 *Q.*—SRI K. G. MUNUSWAMY GOUNDER : Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether any representation was received on January 7th. about the supply of water to the North Arcot district from the Palar river, and if so, the action taken thereon;

(*b*) what has happened to the representation made by the Government of Madras to the Government of India and to the Government of Mysore in the matter; and

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(c) whether the Engineers have suggested any new method of tapping perennial source of water-supply to the Palar river, and if so, what is the suggestion?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" (a) Yes. This Government are now considering a proposal to request the Government of India to constitute a Council under Article 263 of the Constitution of India to make enquiries into the matter and suggest suitable remedies. The proposal envisages the Council being comprised of persons not belonging to either of the two States involved.

" (b) Recently while informing the Union Government of the position in reply to a reference from that Government, in June 1954, this Government requested them to use their good offices as regards the supply to this Government of full and correct information by Mysore regarding the capacity of and the use of waters in the works in the Palar basin in Mysore limits. The Government of Mysore have stated that they have taken no action which would adversely affect the interests of the Madras State.

" (c) No."

SRI K. VINAYAKAM :—" Sir, it has been stated that a dispute has arisen as regards utilization of Palar waters between this State and the Mysore State and that the Government of India are to be approached to constitute a Council comprising of persons not belonging to either of the two States to make enquiries into the matter and suggest suitable remedies. After all, Sir, the interests of the two States have got to be safeguarded. If we ask the Government of India to appoint a Council comprising of persons not belonging to either of the two States concerned, will it not cause undue delay in settling the dispute and will it not also cause inconvenience to both the States? The third parties who are to be appointed may not know our problem at all."

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" At best, the hon. Member is giving his opinion. It is suggested that a Council comprising of persons not belonging to either of the two States be constituted so that an impartial body may go into the whole matter. If we ask for representation in the Council, the Government of Mysore also will ask for representation in that Council. In that Council, we will be repeating our own views in the matter which we have been saying and they may be a biassed opinion. Judges who enquire into disputes and give a decision do not naturally belong to either of the parties concerned in the disputes. If we ask the Government of India to appoint a Council comprising persons not belonging to either of the two States involved, it is with the idea of getting an impartial body to go into all the details of the matter and come to a decision."

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Sri S. PANCHAKSHARAM :—"The Hon. Minister replied that our Government have addressed the Central Government to get particulars from the Mysore Government with regard to the dispute. Have the Mysore Government sent any particulars at all to the Central Government and have the latter forwarded them to this Government?"

The Hon. Sri R. SHANMUGA RAJESWARA SETHUPATHI :—"The Government of India have now got the information from the Government of Mysore that Bethamangalam tank is at present functioning only as a water-supply tank to Kolar Gold Fields town and that the question of any increase in ayacut under this tank does not arise. As regards Ramasagar tank, the present ayacut is reported to be only about 1,078 acres as against the authorized ayacut of 1,091 acres and that the present capacity of the tank is 1,533 units as against the original capacity of 1,730 units. In the circumstances, the Government of Mysore have stated that they have taken no action which would affect adversely the interests of the Madras State. In view of the information furnished by the Government of India, no specific action can be taken at present in this regard."

Sri S. DAIVASIGAMONEY :—"Sir, as per the Resolution 9-20 a.m.
passed at Kavaripakkam Ryots' Conference, was it brought to the notice of our Government that the Mysore Government have violated the terms of the original contract, that they are impounding more water and using the water for themselves and that they do not let sufficient water for supply to the Madras State?"

The Hon. Sri R. SHANMUGA RAJESWARA SETHUPATHI :—"That is the representation that has been made."

Sri K. PARTHASARATHY :—"Will the Government consider the desirability of placing a copy of the agreement between the Madras and Mysore Governments on the table of this House or provide a copy to the Legislature Library so that members may peruse it?"

The Hon. Sri R. SHANMUGA RAJESWARA SETHUPATHI :—"I can make it available to him, if the hon Member desires it."

Sri N. K. PALANISAMY :—"மைசூர் சர்க்காருக்கும், இந்த சர்க்காருக்கும் 1892-ஆம் வருஷத்திலே ஒரு ஒப்பந்தம் ஏற்பட்டது. இப்பொழுது இந்த சர்க்கார் வந்து 8 வருஷங்களாகி விட்டன. இந்தப் பிரதேசங்களில் உள்ளவர்கள் தண்ணீர் வேண்டுமென்று கேட்டுக்கொண்டிருக்கிறார்கள். அப்படியிருந்தும் இவ்வளவு காலத்திற்குப் பின் இப்போதுதான் இந்த சர்க்கார் மத்திய சர்க்காருக்குக் கடிதம் எழுதியிருப்பதாகக் கூறுகிறார்கள். இதற்குக் காரணம் என்ன? மத்திய சர்க்காரிலிருந்து ஏதோ கடிதம் வந்ததாக கனம் அமைச்சர் அவர்கள் கூறுகிறார்கள்? அப்படியானால் இந்த அணைக்கட்டை சித்தூரில் கட்டப் போகிறார்களா?"

The Hon. Sri R. SHANMUGA RAJESWARA SETHUPATHI :—"அணைக்கட்டு கட்டுவதற்கு எதுவும் நடவடிக்கை எடுக்கவில்லை. பாலாற்றிலிருந்து வரும் தண்ணீரை மைசூர் அரசாங்கம் நமக்கு விடவில்லை

என்ற ஒரு விஷயத்தைத்தான் பரிசீலனை செய்வதற்காக இந்திய அரசாங்கத்திற்கு கடிதம் எழுதப்பட்டது. அதைப்பற்றி இந்திய அரசாங்கம் ஒரு முடிவு தெரிவிப்பார்கள். அதைத்தவிர, வேறு விஷயம் ஒன்றுமில்லை."

Sri S. S. KOLKEBAIL :—" Arising out of the question put by the hon. Member Sri Vinayakam and also the answer given by the Hon. Minister that a situation has arisen that there is a dispute between the two Governments, namely, Mysore and Madras, may I ask the Government whether the dispute can be decided by a duel between Sri Vinayakam on our side and some other hon. Member on the other side? "

Sri A. GOVINDASAMY NAYAGAR :—" இந்தப் பாலாற்றில் கடந்த முப்பது ஆண்டு காலமாகத் தண்ணீர் வரவில்லை என்று கனம் மந்திரி அவர்கள் சொன்னார்கள். ஆனால் காங்கிரஸ் ஆட்சிக்கு வருவதற்கு முன்னால் காங்கிரஸ் ஆட்சிக்கு வந்தால் பாலாறும் தேனாறும் ஓடு மென்றெல்லாம் வாக்குறுதி கொடுத்தார்கள். அந்த வகையில் அதில் தேனாறு ஓடச்செய்யாவிட்டாலும், நல்லமுறையில் பாலாற்றிலாவது தண்ணீர் ஓடுவதற்கு வசதி செய்து, அதன் மூலம் செங்கற்பட்டு, வட ஆற்காடு ஆகிய ஜில்லாக்களுக்கு நன்மை தருவதற்காக உடனடியாக நடவடிக்கை எடுக்க முன் வருவார்களா? "

Mr. SPEAKER :—" காங்கிரஸ் வாக்குறுதி கொடுத்தால் அதற்கும் இந்த அசெம்ப்ளிக்கும் என்ன இருக்கிறது ? "

Sri K. VINAYAKAM :—" Sir, whereas it has been proved beyond reasonable doubt that the Mysore Government have infringed the conditions of the agreement (The Hon. Minister : ' It has not been proved') reached between the Madras Government and the Mysore State as far as the Palar waters are concerned, would it not be right on the part of the Madras Government to refer the matter to the Supreme Court as against the Mysore Government, instead of approaching the Central Government to effect an agreement by appointing a Council to settle our dispute? "

The Hon. Sri R. SHANMUGA RAJESWARA SETHUPATHI :—" The hon. Member assumes more knowledge than the Department itself which is concerned with this matter. He says ' it is proved beyond reasonable doubt ', but we are not aware of any such thing. (Interruption.) I shall read the relevant passage here." (Interruption.)

Mr. SPEAKER :—" Please allow the Hon. Minister to answer the point."

The Hon. Sri R. SHANMUGA RAJESWARA SETHUPATHI :—" I shall read it. Sir, representations by M.L.As. and others having been received again in 1949, the then Minister for Works, my colleague who is sitting here, convened a Conference of officials and prominent non-officials including M.L.As. and M.L.Cs. in the Secretariat in September 1949 to discuss the question of improvement of irrigation under the river Palar. During the conference the old allegation about the Bethamangalam and Ramasagar tanks

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were reviewed and it was stated that while there was appreciable indication in rainfall in the catchment, the records of the flow at Palar anicut showed considerable decrease. The Chief Engineer (Irrigation) then explained the position as follows :—

'The Palar catchment in Mysore limits is 1,000 square miles and the areas irrigated about 55,000 acres, this irrigation being carried out through 1,500 tanks. Under the 1892 agreement the Mysore Government have full freedom to repair their tanks or build new tanks in an area covered by 85 per cent of the catchment and the Madras Government have reserved to themselves the right to question their activities only with regard to the remaining 15 per cent. The Ramasagar and the Bethamangalam tanks are two big tanks falling within this 15 per cent catchment and the complaints about the excessive draw-off for these tanks had been taken up with Mysore but it was ultimately found that Mysore had not infringed any of the agreements relating to them. Even granting that Mysore had actually infringed the 1892 agreement in respect of a few other tanks the extent of extra abstraction which Madras could prove against Mysore would come to only about 3 or 4 per cent of what they are entitled to. If even the trivial excess absotracton were to be retrieved Madras would have to set in motion an elaborate procedure of correspondence with the Central and the State Governments the setting up of enquiry commission, provision for settlement of disputed points, etc., which would be wholly incommensurate with the object to be achieved. Again while Mysore is at liberty to carry out any amount of extensions of irrigation in the portion of Palar basin which is not covered by the 1892 agreement, Madras cannot, even in the reaches covered by that agreement object to Mysore carrying out any amount of repair and restoration work so long as the irrigation work in question had not been in disuse for over thirty years and the quantity of water impounded or the area irrigated is not exceeded. Mysore might have actually been abstracting more water than previously in this manner without infringing the agreement. But he had come across some records of 1877' "

Mr. SPEAKER :—" The Hon. Minister himself is taking much of the time of the House."

Sri S. RAMALINGAM :—" Let us have a debate on this, Sir."

The Hon. Sri R. SHANMUGA RAJESWARA SETHUPATHI :—" . . . which showed that the flows at the Palar anicut were then only as much as we have now. As to the relation between rainfall in the catchment and flow at the anicut he said we have to bear in mind that cultivated lands absorb more water than uncultivated lands and that

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above the Palar anicut there is a large extent of Madras territory comprising cultivated lands, the percentage of Madras cultivation being higher than Mysore cultivation. Moreover flows in the river are affected by frequency of rainfall. For instance, 40 inches of rain precipitated in 40 days will not give any flow in the river while 40 inches of rain precipitated in five days will give an appreciable flow."

MR. SPEAKER :—" It is a big answer; let the Hon. Minister print and circulate it."

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" So we cannot proceed against Mysore on the basis of reduction in flow but only in cases where Mysore increased both the draw-off and irrigated area in respect of individual tanks, etc. That is the position, Sir."

SRI K. G. MUNUSAMI GOUNDAR :—"செங்கற்பட்டு, வட ஆற்காடு ஜில்லாக்களுக்கு பாலாறு நீர்ப்பாசனவசதி செய்து கொடுக்க சென்னை அரசாங்கத்திற்கும், மைசூர் அரசாங்கத்திற்கும் இடையே ஒப்பந்தம் ஏற்பட்டது. அதன்படி, பேதமங்கலத்திற்கு அதிகத் தண்ணீர் தேக்கி கொள்ளவும் அதைப் பெரியதாகக் கட்டிக்கொள்ளவும் ஒப்பந்தம் ஆயிற்று. இப்போது எத்தனை அடி கட்டப்பட்டிருக்கிறது ? அதை எதற்காக உபயோகப்படுத்துகிறார்கள் என்பதை அரசாங்கம் எடுத்துச் சொல்ல முடியுமா ? "

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI:—" எல்லா விஷயங்களையும் மத்திய சர்க்காரிடத்தே எடுத்துச் சொல்லி மத்தியஸ்தம் அடைய வேண்டுமென்பதுதான் இந்த அரசாங்கத்தினுடைய நோக்கம். ஆகவே அதைப்பற்றி அங்கத்தினர்கள் அதிகமாகப் பேசுவதிலே பிரயோஜனம் ஒன்றுமில்லை என்றுதான் சொல்லுகிறேன். "

SRI S. DAIVASIGAMONEY :—" Sir, the charge against the Mysore Government is that they have raised the bund of both the Bethamangalam and Ramasagar tanks. Will any representative of our Government go to Mysore and find out whether the charge is true or not? "

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Yes, the Bethamangalam tank bund was raised with our permission and it was done to increase the capacity of the tank and to protect against dry seasons and to utilise not more than 72 m.c.ft. of water for domestic and manufacturing purposes of the Kolar Gold Field. Even now they have submitted to the Government of India to that effect and the Government of India also have informed us like that only."

SRI S. PANCHAKSHARAM :—" I am sorry we are unable sufficiently to make ourselves understood. Our grievance is that there is an infringement by the Mysore Government. They say there is no infringement. The only point for consideration is whether there has been an infringement at all. The Conference of Kaveripakkam and several other conference held during the

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last two decades have been urging upon the necessity for going into this matter. The bund level of the Bethamangalam tank which was permitted to be raised by 9 feet only, has been actually raised to 18 feet. They also say that the Ramasagar tank which was dilapidated has been strengthened and reconstructed. In spite of the fact that the Mysore Government agreed to utilise the waters of Palar only for domestic and industrial purposes at Kolar Gold Fields, they are actually utilising is for agricultural purposes also. These are admitted grievances of our side and representations have also been made. If Mysore is also a Part A State, the matter can be taken before the Supreme Court on the original side as a dispute between two 'A' States. Because Mysore happens to be a Part B State, it cannot be done and we therefore request the Government of India to constitute a Council under Article 263. Will the Government impress upon the Central Government the immediate necessity of constituting a Council under Article 263 before the next season commences?"

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Yes, Sir, that is what I said. I have already stated that we are proposing to ask the Government of India to constitute a Council under Article 263 and having said that naturally we will take expeditious action."

Madras Police Officers for Pondicherry

* 1761 *Q.*—SRI S. DASARATHAN : Will the Hon. the Minister for Finance be pleased to state— 9-30 a. m.

(*a*) whether it is a fact that the services of some of the Police Officers of this State have been lent to the Pondicherry State on its merging with the Indian Union;

(*b*) if so, on what basis the selection were made;

(*c*) the total number of officers of different grades lent; and

(*d*) how many of them belong to Scheduled Castes?

THE HON. SRI C. SUBRAMANIAM :—" (*a*) Yes.

" (*b*) The selection was made on the basis of the suitability of the persons concerned.

" (*c*) Sixteen.

" (*d*) None."

Village Officers' Conference, Malabar

*1762 *Q.*—SRI K. MADHAVAN NAMBIAR : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether the Government have received any representation recently from the Malabar District Village Officers' Association, about their service conditions. and

(*b*) if so, the action taken thereon?

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THE HON. SRI M. A. MANICKAVELU :—" (a) & (b) Yes, a copy of the resolutions passed by the Malabar District Village Officers' Conference held at Parappanangadi on 30th December 1954 has been received by the Government. The remarks of the Collector on the resolution are awaited."

SRI V. R. KRISHNA AYYAR :—" This is not a new demand put forward recently. Representations have been made in this regard during the past two or three years. Will the Government expedite the matter so that some relief can be given at an early date?"

THE HON. SRI M. A. MANICKAVELU :—" Yes, Sir, we shall try as far as possible to expedite."

UNSTARRED QUESTIONS.

Roads from villages to main roads

101 *Q.*—SRI M. KATTIMUTHU : Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) how many roads were constructed from villages to main roads in the year 1953–54; and

(*b*) how many roads are proposed to be constructed in the current year district-war out of the income derived from the respective District Boards ?

A.—(*a*) Eighty-one roads were constructed from villages to main roads in the year 1953–54. Of these, 11 roads were constructed exclusively out of the funds of the District Boards and 70 roads were constructed under grants-in-aid, Local Development Schemes, etc.

(*b*) The roads proposed to be constructed in the current year out of the income derived from the respective District Boards are :—

1	South Arcot District Board ...	18
2	Tanjore District Board ...	2
3	Madurai District Board	4
4	Other District Boards	Nil.
		24

Issue of gun licences

102 *Q.*—DR. K. B. MENON : Will the Hon. the Minister for Finance be pleased to state—

(*a*) how many applications for gun licences were received by the Government for the period 15th August 1947 to 30th June 1954;

(*b*) how many of these are from women;

(*c*) how many licences were issued; and

(*d*) whether any were refused to women?

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A.—(*a*) to (*d*) The Government do not receive applications for the grant of licences for possession of guns. The Licensing Authorities are are Collector-Magistrates in the districts and the Commissioner of Police in the City. The particulars as regards the number of applications for the grant of licences during the period from 15th August 1947 to 31st December 1952 are not available as the relevant records in the Offices of the Licensing Authorities have been destroyed according to Rules. A statement [a] showing the particulars in respect of the period from 1st January 1953 to 30th June 1954 is annexed.

District Board Elections

103 *Q.*—Sri M. KALYANASUNDARAM : Will the Hon. the Minister for Local Administraton be pleased to state—

(*a*) how many passenger buses were requisitioned from various bus owners in Tiruchirappalli district for the use of the Government in connection with the district board elections from 1st October to 15th October 1954; and

(*b*) the hire charges paid for each bus for each day?

A.—(*a*) Eighty-seven buses were requisitioned from the owners in the Tiruchirappalli district, in connection with the district board elections held in October 1954.

(*b*) The rates of hire charges were as follows :—

		RS.
For buses with a seating capacity of 36 and above	.	75 per day.
Do. between 31 and 35	..	70 per day.
Do. between 2[illegible] and 30	..	65 per day.
Do. between 20 and 25	..	60 per day.

The above rates were exclusive of surcharge, cost of petrol, oil, etc.

104 *Q.*—Sri M. NARAYANA KURUP : Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) the number of voters in each district of the State according to the voters' list for the district board elections; and

(*b*) the number of voters in each district of the State who recorded their votes in the recent district board elections?

[a] Printed as Appendix I on page 943 infra.

A.—(*a*) & (*b*) A statement is appended below :—

Name of the District Board.	Total number of voters.	Total number of voters who exercised their franchise.
(1)	(2)	(3)
North Arcot	1,322,485	356,193
South Arcot	1,435,709	373,254
Chingleput	929,860	232,328
Coimbatore	1,525,427	545,244
Malabar	2,335,905	1,079,625
Madurai	1,238,583	475,586
Ramanathapuram ..	1,023,265	262,688
Salem *	1,649,249	523,423
South Kanara	875,537	370,505
Tanjore	1,476,779	549,564
Tiruchirappalli †	1,470,600	430,758
The Nilgiris	113,556	40,306
Tirunelveli	1,271,889	283,053

Note.—* The polling for the Nangavalli-Mettur Circle has not yet taken place.

† The polling for the Tiruchirappalli–Srirangam Circle has not yet taken place.

Adult Education Centres in South Arcot

105 *Q.*—Sri A. Ratnam :—Will the Hon. the Minister for Finance be pleased to state—

(*a*) the number of adult education centres functioning in the South Arcot district;

(*b*) the amount spent for the year 1953–54 for maintaining these centres; and

(*c*) how many adult education centres are maintained direct—

(i) by the Education Department,

(ii) by the Director of Harijan Welfare,

(iii) under the National Extension Scheme; and

(iv) under Community Projects?

A.—(*a*) Sixty-one.

(*b*) Rs. 69,016.

(*c*) (i) Nil.

(ii) Nil.

(iii) 41.

(iv) 20.

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Forests in Perambalur taluk

106 Q.—SRI M. PALANIMUTHU: Will the Hon. the Minister for Agriculture be pleased to state the survey numbers and extent of forest areas in Perambalur taluk of Tiruchirappalli district and the net income derived by Government from them every year for the last three years?

A.—A statement [a] showing the area of the reserved forests in Perambalur taluk and the income derived from them is appended.

As some of the forests have been grouped with other forests or portions thereof situated outside the taluk to form convenient beats, it is not possible to apportion the expenditure on pay of the protective staff and overhead charges correctly and arrive at the net income of the forests of this taluk alone.

As there are no survey numbers for Class I Reserved Forests and as information regarding the survey numbers of Class III Reserved Forests which are numerous in number is not readily available, the survey numbers of the forests are unable to be furnished.

Labour cases attended to by Women Medical Officers in District Boards

107 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Health be pleased to state the number of labour cases attended to personally by Women Medical Officers in District Boards during the year 1953 districtwar?

A.—The information is furnished below:—

District.	Labour cases attended. (Difficult and complicated cases which could not be treated by Maternity Assistants.)
(1)	(2)
1 Chingleput	26
2 North Arcot	Nil. (Post was abolished from July 1954)
3 South Arcot	4
4 Tanjore	Nil.
5 Tiruchirappalli	4 (The post was vacant for some period during the year.)
6 Madurai	13
7 Ramanathapuram	8

[a] Printed as Appendix II on pages 943–944 infra.

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	District.	Labour cases attended (Difficult and complicated cases which could not be treated by Maternity Assistants.)
	(1)	(2)
8	Tirunelveli	Nil.
9	Salem	Nil.
10	Coimbatore	6
11	The Nilgiris	Nil. (There is no post of Woman Medical Officer.)
12	Malabar, South	Nil.
13	Malabar, North	Nil. (Post unfilled for want of suitable qualified candidates.)
14	South Kanara	Nil. (There is no post of Woman Medical Officer.)

Composite mills in the State

108 *Q.*—Sri C. RAJAM RAMASWAMY: Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the number of composite mills in the State together with the quantity of cloth produced by them for the year ended 31st December 1953; and

(*b*) the number of men employed in each mill?

A.—(*a*) & (*b*) Particulars are given in the statements [a] annexed.

Improvement of slums in Tanjore

109 *Q.*—Sri A. K. SUBBIAH: Will the Hon. the Minister for Health be pleased to state—

(*a*) how many slums have been improved by the present Ministry in Tanjore district; and

(*b*) if so, the details thereof?

A.—(*a*) & (*b*) The following improvements have been made to the slums in Tanjore district:—

(1) *Mannargudi Municipality.*

1. An approach road has been formed to Arunthathiars' quarters.

[a] Printed as Annexure III on pages 944–945 infra.

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2. A well in old Tanjore Road near Harijans' quarters has been repaired.

3. A drinking-water well has been provided in Mudalsethi Pallar street.

4. Road leading to Big Para street has been improved.

(2) *Nannilam taluk.*

1. Drinking-water wells have been provided in 29 villages.

2. Twenty-five acres of land have been acquired and allotted as house-sites to Harijans of eight villages.

(3) *Tiruturaipundi taluk.*

Drinking-water wells and tanks have been deepened in six villages; approach roads and pathways have been formed in three villages and a community hall has been constructed in one village. In addition, 69 ommunity latrines have been constructed and 125 cheris have been cleaned.

Harijan Welfare schools in Chingleput

110 *Q.*—Sri O. CHENGAM PILLAI: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(*a*) how many schools are run by the Harijan Welfare Department in Chingleput district;

(*b*) how many schools have thatched roofs;

(*c*) how many have been reconstructed in the year 1954;

(*d*) how many have no roofs; and

(*e*) whether these schools will be provided with roofs with leaves before the end of the official year?

A.—(*a*) 117.

(*b*) 117.

(*c*) 28.

(*d*) 27 are in need of repairs.

(*e*) Yes.

Allowances drawn by Ministers

111 *Q.*—Sri S. S. KOLKEBAIL: Will the Hon. the Minister for Finance be pleased to place on the table of the House a statement showing—

(*a*) the amount of travelling allowance, house-rent allowance, medical allowance, car allowance and any other allowances, drawn

by each Minister during the years 1952–53 and 1953–54 including those Ministers who have resigned or gone over to Andhra State on 1st October 1953;

(b) the number of days toured by each Minister in each of the financial years 1952–53 and 1953–54;

(c) the purpose of the tours in detail; and

(d) the travelling allowance drawn by the personal staff of each Minister during the years 1952–53 and 1953–54?

A.—(a) & (b) Two statements [a] (Statements I and II) containing the necessary particulars are annexed.

(c) It will be difficult to describe in detail the purpose of each tour, but all the tours were undertaken on official business.

(d) Two statements [a] (Statements III and IV) containing the necessary particulars are annexed.

112 *Q.*—SRI M. DHARMALINGAM: Will the Hon. the Minister for Finance be pleased to state the total amount of travelling allowance drawn by each Minister during the year 1953–54?

A.—A statement is given below:—

Statement showing the amount of travelling allowance drawn by each Minister during the year 1953–54.

Serial number and name of the Minister. (1)	Period of office. (2)	Total travelling allowance drawn. (3) RS.	A.	P.
1 Sri C. Rajagopalachari ..	1st April 1953 to 31st March 1954.	1,452	3	0
2 Sri A. B. Shetty ..	1st April 1953 to 31st March 1954.	4,667	11	0
3 Sri M. Bhaktavatsalam ..	9th October 1953 to 31st March 1954.	2,594	15	0
4 Sri C. Subramaniam .	1st April 1953 to 31st March 1954.	4,972	1	0
5 Sri K. Venkataswami Naidu.	1st April 1953 to 31st March 1954.	4,927	12	0

[a] Printed as Appendix IV on pages 946–950 infra.

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Serial number and name of the Minister. (1)	Period of office. (2)	Total travelling allowance drawn. (3)		
		RS.	A.	P
6 Sri N. Ranga Reddi ..	1st April to 30th September 1953.	3,307	11	0
7 Dr. M. V. Krishna Rao ..	1st April to 30th September 1953.	4,849	10	3
8 Sri V. C. Palaniswami Gounder.	1st April 1953 to 31st March 1954.	3,590	0	0
9 Dr. U. Krishna Rao ..	1st April 1953 to 31st March 1954.	2,233	7	0
10 Dr. R. Nagan Gowda ..	1st April to 30th September 1953.	4,535	12	0
11 Sri N. Sankara Reddi ..	1st April to 30th September 1953.	2,610	6	0
12 Sri M. A. Manickavelu Naicker.	1st April 1953 to 31st March 1954.	5,214	8	0
13 Sri K. P. Kuttikrishnan Nair.	1st April 1953 to 31st March 1954.	2,566	10	6
14 Raja Sri Shanmuga Rajeswara Sethupathi.	1st April 1953 to 31st March 1954.	1,326	6	0
15 Sri S. B. P. Pattabirama Rao.	1st April to 30th September 1953.	2,175	13	0
16 Sri D. Sanjeevayya ..	1st April to 30th September 1953.	2,748	1	0
17 Sri K. Rajaram Naidu ..	9th October 1953 to 31st March 1954.	2,551	0	0
18 Srimathi Jothi Vencatachellum.	9th October 1953 to 31st March 1954.	784	12	0

Harijan employees in Revenue Department in Malabar

113 *Q.*—SRI E. T. KUNHAN : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) how many Harijans are employed in the Revenue Department, (i) in Malabar and (ii) in Ponnani taluk; and

(*b*) whether this number is in accordance with the rule of reservation of posts for Harijans?

A.—(*a*) (i) Twenty-five.

(ii) One.

(*b*) The rule of reservation of appointments for Scheduled castes (Harijans) is applicable to the district as a whole. The taluk is not taken as a unit for this purpose. The recruitment to the Madras Ministerial Service is made by the Madras Public Service Commission and the rule of reservation is observed by the Commission to the extent possible according to the availability of suitable candidates when the allotment is made. In the case of the last grade Government servants, the recruitment is made through the Employment Exchange. In making the appointments including temporary appointments, preference is shown to the members of the scheduled castes allotted by the Employment Exchange.

Harijan employees in Civil Courts in Malabar

114 *Q.*—SRI E. T. KUNHAN: Will the Hon. the Minister for Finance be pleased to state—

(*a*) the number of Harijans employed in Civil Courts in Malabar; and

(*b*) whether the number is in accordance with the rule of reservation of posts for Harijans?

A.—(*a*) Four Harijans are employed in Civil Courts in Malabar.

(*b*) No. The reason is that sufficient number of qualified Harijans was not available for appointment.

Offence under the Suppression of Immoral Traffic Act

115 *Q.*—SRI K. ARANGANATHAN: Will the Hon. the Minister for Finance be pleased to state—

(*a*) the number of persons convicted under the Suppression of Immoral Traffic Act during 1953 and 1954; and

(*b*) how many of them are men and how many women?

A.—(*a*) & (*b*) The particulars are as follows:—

Year.	Men.	Women.	Total.
(1)	(2)	(3)	(4)
1953	34	660	694
1954	33	448	481

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High Schools and Colleges in the State

116 *Q.*—SRI K. ARANGANATHAN: Will the Hon. the Minister for Finance be pleased to state the number of High Schools and Colleges as on 1st December 1954 districtwar?

A.—The particulars are given below:—

District.	Number of High Schools.	Number of Colleges.
(1)	(2)	(3)
1 Madras (City)	68	11
2 Chingleput	36	3
3 South Arcot	38	1
4 Tanjore	64	1
5 Madurai	51	5
6 Ramanathapuram	60	4
7 Tirunelveli	72	6
8 North Arcot	57	4
9 Salem	60	1
10 Tiruchirappalli	70	6
11 Coimbatore	85	5
12 The Nilgiris	17	Nil.
13 Malabar	125	6
14 South Kanara	71	4

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Pupil teachers

117 *Q.*—SRI K. ARANGANATHAN: Will the Hon. the Minister for Finance be pleased to state—

(*a*) the number of pupil teachers who underwent training in the Higher Grade and Secondary Grade training schools during the year 1953–54; and

(*b*) the amount paid to them as stipend?

A.—(*a*) A statement[a] is placed on the table of the House.

(*b*) The monthly rate of stipend per student is Rs. 18 per mensem for those undergoing the secondary grade training and Rs. 12 per mensem for those undergoing elementary grade. In respect of both the senior and junior basic grade trainees, the rate of stipend is Rs. 18 per mensem. The stipends are paid for a period of 21 months for the entire course.

[a] Printed as Appendix V on page 951 infre.

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Kumri cultivation in the State

118 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the extent of Kumri cultivation in the Madras State during 1953–54 and 1954–55;

(b) the revenue derived from it; and

(c) the extent of improvement to forests on account of this system?

A.—(a) to (c) A statement [a] showing the extent of Kumri cultivation in Madras State during 1953–54 and 1954–55, the revenue derived from it and the extent of improvement to forests on account of this system is appended.

Kumri cultivation in Tiruvallur taluk

119 Q.—SRI M. DHARMALINGAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the extent of forest lands available for Kumri cultivation in Tiruvallur taluk;

(b) the extent of such lands so far leased out and the terms on which they have been leased out; and

(c) whether any loan was granted to the cultivators to make those forest lands fit for cultivation?

A.—(a) 1,913 acres.

(b) An extent of 90 acres in Mailapore Reserved Forest and 115 acres in Vembedu Reserved Forest have been leased out for Kumri cultivation during 1954–55. The conditions under which these lands are leased out are detailed in the statement [b] appended.

(c) No, Sir.

Offences under the Iron and Steel Control Order

120 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the number of cases of violation and misuse of the materials purchased under the Iron and Steel Control Order in 1953 and 1954; and

(b) how many of them have ended in conviction?

[a] Printed as Appendix VI on pages 952–953 infra.

[b] Printed as Appendix VII on page 954 infra.

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A.—(*a*) Eleven in 1953 and five in 1954.

(*b*) Six cases of 1953 and one case of 1954 have ended in conviction so far.

Minimum wages for agricultural labourers

121 *Q.*—SRI R. KRISHNAN: Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the average wages for agricultural labourers in each district in the State; and

(*b*) whether any minimum wages have been fixed for agricultural labourers under the Minimum Wages Act, 1948?

A.—(*a*) The average rates of wages paid to certain categories of agricultural labour in each district of the State are as follows:—

District.	*Ploughmen.*			*Sowers and tranplanters.* *Men.*			*Sowers and tranplanters.* *Women.*			*Non-adults.*		
(1)	(2)			(3)			(4)			(5)		
	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P
Chingleput	1	0	3	2	0	0	1	0	0	1	0	0
South Arcot	1	3	5	0	11	4	0	9	2			
North Arcot	1	9	7	1	1	9	0	10	2			
Salem	4	6	8 *	1	4	6	0	10	7	0	8	6
Coimbatore	0	14	7	0	13	10	0	7	3	0	7	0
Tiruchirappalli	1	13	10	0	13	5	0	8	3	0	7	7
Tanjore	0	14	10	1	2	7	0	10	6			
Madurai	0	15	9	0	13	0	0	12	4	0	12	3
Ramanathapuram ..	1	0	0	1	0	0	0	12	0	0	12	0
Tirunelveli	0	12	11	0	12	0	0	8	2	0	7	8
Malabar	2	13	9				0	14	10			
South Kanara	1	5	2	1	0	6	1	0	5	0	13	9
The Nilgiris	1	10	4	1	10	9	1	2	5	0	14	2

* Rate of wages paid to ploughmen working with their own ploughs and bullocks.

(*b*) No, Sir.

New buses for the Transport Department

122 *Q.*—SRI N. K. PALANISAMY: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(*a*) the cost of each of the buses newly added in 1954 to the City Transport system; and

(*b*) the number of buses proposed to be added in 1955?

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A.—(*a*) The information is furnished below :—

Type of bus.	Number of buses put on road in 1954.	Cost of each bus.			
		RS.	A.	P.	
Commer (light diesel) ..	2	35,476	6	0	
Leyland Royal Tiger (heavy diesel).	17	63,900	0	0	approximately.

(*b*) Thirty-three more Leyland Royal Tiger buses will be added to the fleet in 1955. Besides these, 50 heavy type diesel vehicles are expected to be added to the fleet strength in 1955–56.

Manufacture of tar boilers

123 *Q.*—Sri K. C. GOPALAN UNNI : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) how many tar boilers were manufactured by the Transport and Industries Section in 1952–53, 1953–54 and 1954–55;

(*b*) how many of these were sold to the Public Works Department;

(*c*) how many were sold to private contractors; and

(*d*) at what rate?

A.—(*a*) No tar boilers were manufactured by the Transport and Industries Departments in 1952–53, 1953–54 and 1954–55.

(*b*) to (*d*) Do not arise.

Expenditure from the Harijan Welfare Budget

124 *Q.*—Sri K. ARANGANATHAN : Will the Hon. the Minister for Religious Endowments and Transport be pleased to state the amounts spent by the Government for Harijan students under the following heads during the year 1953–54 from the funds allotted in the budget for 1953-54 :—

(*a*) the amount towards school fees;

(*b*) the amount towards college fees;

(*c*) the amount towards examination fees;

(*d*) the amount for books;

(*e*) the amount towards non-residential scholarships;

(*f*) the amount towards residential scholarships;

(*g*) the amount for Harijan hostels; and

(*h*) the amount for midday meals?

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A.—The amount spent by the Government for the students belonging to eligible communities from the Harijan Welfare Budget during 1953–54 is as follows :—

(1)	*First half-year (Composite State).* (2)	*Whole year.* (3)	*Second half-year (Madras State).* (4)
	RS.	RS.	RS.
School fees	3,98,435	..	10,86,442
College fees	488	..	5,667
Examination fees	1,168	..	13,057
Books	..	11,850	..
Non-residential scholarships.	..	2,26,414	..
Residential scholarships ..	..	5,51,953	..
Harijan hostels—			
Government hostels ..	99,685	..	1,34,279
Subsidized hostels ..	5,91,523	..	6,80,304
Midday meals	11,27,668	..	9,00,734

Co-operative Milk Supply Society, Tindivanam

125 *Q.*—SRI M. VENUGOPALA GOUNDER : Will the Hon. the Minister for Health be pleased to state—

(*a*) the amount of loan granted to the Co-operative Milk Supply Society at Tindivanam in 1952, 1953 and 1954;

(*b*) the number of milk centres managed by the society; and

(*c*) the approximate quantity of milk supplied by the society?

A.—(*a*) The amount of loan granted is as shown below :—

	RS.
1951–52	2,300
1952–53	2,550
1953–54	Nil.

(*b*) No milk centre is managed by the society. All the milk produced by the society is supplied to the Tindivanam Milk Supply Union.

(*c*) 1952—60,774 lb. or 15,193½ Madras measures.

1953—75,637 lb. or 18,909¼ Madras measures.

1954—91,884 lb. or 22,971 Madras measures.

Murder cases in Tindivanam

126 *Q.*—SRI M. VENUGOPALA GOUNDER : Will the Hon. the Minister for Finance be pleased to state—

(*a*) how many murder cases were registered in the Police stations in Tindivanam taluk, South Arcot district, from 1952 up to date; and

(*b*) how many were detected and how many undetected?

A.—(*a*) 12.

(*b*) Detected—2.

Undetected—10.

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Formation of roads under the First Five-Year Plan

127 *Q*.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Public Works be pleased to state the amount allotted for improving and forming the various roads in the First Five-Year Plan districtwar?

A.—

Name of district.	*Category of roads.*	*Amount allotted.*	
		Improvement.	*New formation.*
(1)	(2)	(3)	(4)
		RS.	RS.
Chingleput	(*a*) State Highways.	9,44,414	12,000
	(*b*) Other Roads.	2,23,839	3,65,004
South Arcot	(*a*) State Highways.	16,84,000	..
	(*b*) Other Roads.	8,76,540	3,31,160
North Arcot	(*a*) State Highways.	4,42,614	37,602
	(*b*) Other Roads.	1,23,268	6,97,725
Salem	(*a*) State Highways.	8,03,900	24,00,000
	(*b*) Other Roads.	3,10,660	4,22,448
Coimbatore	(*a*) State Highways.	6,[illegible]0,100	..
	(*b*) Other Roads.	4,27,100	4,01,820
Malabar	(*a*) State Highways.	41,95,330	2,70.019
	(*b*) Other Roads.	2,64,587	25,14,989
South Kanara ..	(*a*) State Highways.	41,61,817	..
	(*b*) Other Roads.	1,23,966	2,35,186
Tirunelveli	(*a*) State Highways.	3,58,500	..
	(*b*) Other Roads.	1,12,035	8,50,464
Ramanathapuram ..	(*a*) State Highways.	35,500	..
	(*b*) Other Roads.	3,10,000	15,42,500
Madurai	(*a*) State Highways.	6,27,536	33,500
	(*b*) Other Roads.	1,46,750	8,88,350
Nilgiris	(*a*) State Highways.	3,66,500	..
	(*b*) Other Roads.	86,300	..
Tanjore	(*a*) State Highways.	17,62,899	..
	(*b*) Other Roads.	8,27,352	4,07,299
Tiruchirappalli ..	(*a*) State Highways.	4,54,400	..
	(*b*) Other Roads.	1,12,400	7,34,300
	Total ..	2,04,12,907	1,22,44,366

Scheme for housing the Harijans

128 *Q*.—SRI P. G. MANICKAM: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(*a*) whether the Government have under consideration any scheme for housing the Harijans now living in cheris in the State and

(*b*) if so, at what stage it is?

A.—(*a*) & (*b*) The Government have no scheme under their onsideration. In the Two-Year Plan for removal of untouchability forwarded to the Government of India for sanction of grant, a small provision has been made for assisting Harijans to construct houses. The sanction of the Government of India is awaited.

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Libraries in South Arcot district

129 *Q.*—SRI M. VENUGOPALA GOUNDER: Will the Hon. the Minister for Finance be pleased to state—

(*a*) the number of libraries functioning in South Arcot district that are subsidized by the state; and

(*b*) the tital subsidy given to them in 1952, 1953 and 1954?

A.—(*a*) The number of libraries in the South Arcot district which are eligible for subsidy from the Government is 91.

(*b*) The subsidy paid during each of the years to all the eligible libraries is as follows :—

	RS.
1951–52	5,725
1952–53	3,105
1953–54	3,225

Malnad area

130 *Q.*—SRI K. KUNHI MOHAMED SHAFEE : Will the Hon. the Minister for Agriculture be pleased to state with reference to the answer given to a supplementary question under question No. 88 on the 7th December 1954, the names of the villages of Walluvanad and Ernad taluks in Malabar district which are included in the Malnad area, with their respective population?

A.—The required particulars are furnished below :—

Taluks.	Names of villages.	Population according to 1951 Census.
(1)	(2)	(3)
Ernad	Nilambur	24,481
Walluvanad	Attapady	11,353

TAMIL NADU LEGISLATIVE ASSEMBLY TRUTH ALONE TRIUMPHS

Cottage and village industries

131 *Q.*—SRI M. NARAYANAN NAMBIAR : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether the Government have taken any statistics regarding the cottage and village industries in the State;

(*b*) if so, whether a copy of such statistics will be ploced on the table of the House;

(*c*) whether the Government have any scheme for the revival of the cottage and village industries; and

(*d*) if so, what it is?

A.—(*a*) & (*b*) No detailed survey for the collection of statistics regarding cottage and village industries in this State was conducted recently but a simple survey of cottage industries in select firkas was made by the Director

of Statistics. The report on this survey is under print, and it will be available for sale at Rs. 12-6-0 a copy. Particulars of the firkas and the industries covered by this survey are given below :—

1	Hosur and Kollegal firkas (Salem and Coimbatore districts).	Silk worm rearing and spinning.
2	Ramanathapuram area (Ramanathapuram district).	Conch shell work and palmyra products.
3	Melacheval firka (Tiruneveli district).	Mat and reed products.
4	Kozhikode (Malabar district.)	Rural cabinet making, coir and coconut industry.
5	Kasaragod (South Kanara district).	Baskets and cotton cap making.
6	Kumbakonam firka (Tanjore district).	Metal industry.

(*c*) & (*d*) Yes, Sir. A list of the schemes sanctioned and of the schemes under examination is appended :—

(i) *Schemes sanctioned.*

1. Manufacture of fancy articles from fine koraimats at Pattamadai in Cheranmahadevi Block.
2. Scheme for the purchase of frame looms and spinning wheels for the development of cumbly weaving in Attur Block.
3. Scheme for the manufacture of paper toys in Pulivalam village of Musiri taluk.
4. Scheme for the development of bee-keeping industry in Tellicherry Block.
5. Scheme for the development of bee-keeping industry in Usilampatti Block.
6. Scheme for the establishment of a workshop in extension block for providing training in smithy, carpentry, housing designs and construction.
7. Scheme for setting up and running of demonstration units, of Wardha ghanis at Sivagiri in the Lower Bhavani Project and Ramarajapuram in Periyar Project.
8. Grant of Rs. 200 for the Live Dorri weavers in Karkal (South Kanara Project area).
9. Establishment of Model Blacksmithy training centre at Karathupalayam in the Lower Bhavani Project area.
10. Starting of two training centres to decelop the skill of bamboo workers in the Lower Bhavani Project area.
11. Development of palm-gur industry in the Lower Bhavani and Malampuzha Project areas.

12. Scheme for providing common kiln and for improving the quality of glazed pottery manufactured in Kanigiri of North Arcot district.

13. Establishment of 30 Wardha ghani demonstration units in the Community Projects and National Extension Service areas.

(ii) *Schemes under consideration.*

1. Scheme for the manufacture of crayons in Karur Block.

2. Scheme for the establishment of wood seasoning kiln to supply seasoned timber for use by the artisans in the Community Project and National Extension Service Blocks in the West Coast.

3. Establishment of two model carpentry workershops in urban and semi-urban areas.

4. Scheme for starting a blacksmithy-*cum*-welding centre in the South Kanara Project.

5. Scheme for the establishment of two footwear service centres.

6. Scheme for starting a glass bangle and bead training centre in Chidambaram Block.

7. Scheme for the establishment of two general purpose engineering workshops, one in Periyar Project and the other in Malampuzha Project.

8. Scheme for the establishment of a sales emporium at Madurai primarily to promote the sales of handicrafts products.

9. Scheme for the establishment of a model unit for the manufacture of soaps from neem oil.

10. Schemes for the development of bee-keeping, poultry farming, blacksmithy, carpentry and rattan work in Malnad area.

11. Scheme for the establishment of a pottery training centre at Alankar in South Kanara district.

12. Scheme for the establishment of a pottery production-*cum*-training centre at Manamadurai.

13. Establishment of a porcelain and semi-porcelain service centre at Papinisseri in North Malabar district.

14. Expansion of the training centre for the manufacture of scientific glassware at Madras.

15. Establishment of model fancy and utility articles manufacturing units from leather.

16. Scheme for the establishment of a service centre for lock industry in Dindigul.

17. Scheme for opening of a service centre for clay pipes manufacturers in Malampuzha Project.

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Burial-grounds for Harijans

132 *Q.*—SRI O. KORAN: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(*a*) how many applications were received from Malabar in 1950 to 1954 for the grant of burial-grounds for Harijans;

(*b*) whether the burial-grounds have been granted; and

(*c*) if not, why?

A.—(*a*) Twenty-four.

(*b*) & (*c*) Burial-grounds have been provided in five cases by acquisition of private lands. Acquisition of lands has been sanctioned in another five cases and proceedings under the Land Acquisition Act are pending in different stages. The remaining cases are pending enquiry. Many of the applications in these cases were received late in 1954.

Harijan women for the nurses' training course

133 *Q.*—SRI O. KORAN: Will the Hon. the Minister for Health be pleased to state—

(*a*) how many Harijan women candidates were selected for the nurses' training from Malabar in the years 1950-54;

(*b*) how many of them came out successful in the training;

(*c*) how many of them were taken into the service; and

(*d*) how many are still unemployed?

A.—(*a*) *to* (*d*) Selection of candidates to the nurses' training course is not made on a districtwar basis. Only the best of the candidates from the various districts are selected for the training. No districtwar statistics of the selections made during the years 1950-54 are therefore available.

Offences under the Removal of Civil Disabilities Act in Malabar.

134 *Q.*—SRI O. KORAN: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(*a*) how many cases were filed in Malabar under the Removal of Civil Disabilities Act in the years 1952 to 1954; and

(*b*) how many persons were convicted?

A.—(*a*) 1952—7.
1953—5.
1954—9.
(*b*) 1952—4.
1953—4.
1954—3.

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Government Cinchona Plantations, Valparai

135 *Q.*—SRI N. K. PALANISAMY: Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the number of workers employed during 1952 in the Government Cinchona Plantations, Valparai;

(*b*) the number of workers retrenched during 1952 to 1954: and

(*c*) why they were retrenched?

A.—(*a*) 2,550.

(*b*) 1952—Nil.
1953—42.
1954—Nil.

(*c*) They were retrenched from among the newly appointed workers due to reduction in work in the plantations.

Batta to Government Transport staff

136 *Q.*—SRI N. K. PALANISAMY: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(*a*) the amount of batta given to—

(1) Works clerks;

(2) Checking Inspectors;

(3) Time-keepers;

(4) Drivers; and

(5) Conductors in the City Transport; and

(*b*) whether the batta given to Checking Inspectors has been enhanced?

A.—(*a*) No batta is paid to works clerks as they do not go on the line. The line staff are given batta at the following rates:—

	RS.	A.	P.
Checking Inspectors	1	4	0
Time-keepers	1	0	0
Drivers	1	2	0
Conductors	1	2	0

(*b*) Yes, Sir. It was enhanced in April 1953 from Re. 1 to Re. 1–4–0.

Veterinary hospitals and dispensaries in Tindivanam taluk

137 *Q.*—SRI M. JAGANNATHAN: Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the number of Veterinary hospitals and dispensaries in Tindivanam taluk, South Arcot district;

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(b) the number of cattle treated in them during 1952–53 and 1953–54; and

(c) the number of cattle treated for rinderpest during that period?

A.—(a) There is only one Veterinary Dispensary in Tindivanam taluk and it is situated at Tindivanam.

(b) The number of cattle treated at the dispensary during the years 1952–53 and 1953–54 was respectively 1,932 and 2,181 and the number of bulls castrated, 496 and 636.

(c) This taluk has been free from rinderpest during that period.

Distribution of bulls by the South Arcot District Board

138 Q.—SRI M. JAGANNATHAN: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the number of bulls bought and distributed to the ryots by the South Arcot District Board under the Grants-in-aid Scheme for district boards, during the years 1952 to 1954; and

(b) the number of cases in which ownership of the bulls was declared during that period?

A.—(a) No bulls were p rchased and distributed by the South Arcot District Board in 1952–53.

Two bulls were purchased and distributed to selected custodians in 1953–54.

(b) The number of cases in which the bulls were given personally to custodians is *nil*.

Bought-in lands in Tindivanam taluk

139 Q.—SRI M. JAGANNATHAN: Will the Hon. the Minister for Revenue be pleased to state—

(a) the number of acres of lands classified so far, as bought-in lands in Tindivanam taluk, South Arcot district; and

(b) how many acres of them are cultivated by Harijan ryots?

A.—(a) 1,034·33 acres.

(b) 116·02 acres.

Entertainment tax

140 Q.—SRI M. JAGANNATHAN: Will the Hon. the Minister for Revenue be pleased to state—

(a) the numeber of entertainments coducted in the State in 1952-53 and 1953-54;

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(*b*) the number of entertainments in respect of which tax was paid in 1953–54 (i) by means of returns and (ii) in the form of stamps;

(*c*) the number of entertainments exempted from tax in 1953–54;

(*d*) the number of cases in which refund was granted in that year; and

(*e*) the total demand for that year?

A.—(*a*) Total number of entertainments in respect of which tax was collected—

(i) In 1952–53—Rs. 3,29,960.

(ii) In 1953–54—Rs. 3,22,679.

(*b*) By means of returns—Rs. 3,20,971.

In the form of stamps—Rs. 1,680.

(*c*) Rs. 1,209.

(*d*) Rs. 23.

(*e*) (i) Total demand excluding show tax—Rs. 62,52,569.

(ii) Demand for 1953–54 under show tax—Rs. 4,39,370.

Manufacture of artificial silk

141 *Q.*—Sri K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state the various steps taken and experiments, if any, conducted to start manufacture of artificial silk in Madras State?

A.—No steps have been taken by the Government to start manufacture of artificial silk and no experiments have been conducted by Government in this regard.

State Transport Advisory Committee

142 *Q.*—Sri K. ARANGANATHAN: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(*a*) who are the members of the State Transport Advisory Committee;

(*b*) whether the Committee met in 1954; and

(*c*) if so, the details of its work?

A.—(*a*) (1) The Minister-in-charge of Finance.

(2) The Minister-in-charge of Local Administration.

(3) The Secretary to the Government, Home Department.

(4) The Secretary to the Government, Public Works Department.

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(5) The Chief Engineer (Highways).

(6) Sri E. K. Sankara Varma Raja, M.L.A.

(7) Sri N. Mahalingam, M.L.A.

(8) Sri M. Kalyanasundaram, M.L.A.

(9) Sri T. M. Narayanaswamy Pillai, M.L.C.

(10) Sri T. Purushothama Mudaliar, M.L.C.

(11) The Chairman, Motor Vehicles and Allied Merchants Association, Madras.

(12) Sri T. S. Krishna, c/o T. V. Sundaram Ayyangar and Sons, Limited, Madurai.

(13) Sri V. S. Kuduva, Managing Director, The Canara Public Conveyance Company, Limited, Mangalore.

(*b*) Yes, Sir.

(*c*) The Committee is summoned to meet from time to time to advise the Government on important matters regarding the policy and administration of motor transport. The functions of the Committee are purely advisory.

Match and Plywood industries

143 *Q.*—SRI K. ARANGANATHAN : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the various steps taken to encourage match and plywood industries; and

(*b*) what are the various species raised for this and the extent raised?

A.—(*a*) The steps taken to encourage match and plywood industries are :—

(1) *Supply of raw materials.*—Softwood coupes in Wynad and Palghat Divisions are worked in different years from the different groups of species. Four softwood coupes were leased to South Indian Plywood Manufacturers' Association in 1952 at negotiated rates. The right to extract the softwood trees fit for match industries is sold in auction. Any specific request from the small-scale match manufacturers for sale of softwood coupes is considered on its merits.

(2) *Storage and transport facilities.*—Storage of splints and veneers in unlicensed premises is permitted under certain conditions, as a special case, relaxing the Central Excise Rules. A daily quota of two wagons for each of the railway stations at Sattur and Sivakasi has been arranged to facilitate quick movement of finished match boxes.

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(3) *Marketing.*—Proposal for setting up a Central Marketing Co-operative for handling hand-made matches is under consideration.

(*b*) The species of softwood raised are—

Bombax malabaricum.

Mangifera Indica.

Evodia Roxgurghiana.

Machilur Macrantha.

Vateria Indica.

Broussonita Papyrifera.

Sterculia alata.

Ailanthus malabarica; and

Sterculia companulata.

The total extent planted with matchwood species up to 1954 was 760 acres. During 1954–55, steps have been taken to plant matchwood species over an area of 1, 125 acres.

No separate particulars for plywood industry are available in addition to those given above.

Smallpox in Malabar.

144 *Q.*—Sri K. P. GOPALAN: Will the Hon. the Minister for Health be pleased to state—

(*a*) how many persons had an attack of smallpox in Malabar since November 1954 talukwar;

(*b*) how many persons died on account of smallpox in Kurumbranad taluk in Malabar since November 1954 up to date, and

(*c*) the preventive measures taken by the Government to check the spread of the disease?

A.—(*a*) The number of persons who had an attack of smallpox in Malabar since November 1954 up to 19th February 1955 talukwar is as follows:—

	Name of the taluk. (1)	Number of persons attacked with small pox. (2)
1	Chirakkal	3
2	Kottayam	3
3	Kurumbranad	314
4	Kozhikode	13
5	Wynaad	14
6	Ernad	13
7	Walluvanad	2
8	Ponnani	36
9	Palghat	14

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(b) 121 persons from November 1954 up to 19th February 1955.

(c) Intensive primary vaccination and re-vaccination by appointment of additional staff, house isolation, disinfection of infected houses, personal effects, etc., smearing of carbolised vaseline and sulphanomide ointments, closing of schools and theatres in the infected localities, propaganda by means of informal talks, magic lantern lectures, etc., appropriate treatment and general relief measures, such as distribution of multi-vitamin tablets, rice gruel and reconstituted milk in some of the affected areas.

Local Development Works in Quilandy Firka

145 *Q.*—Sri C. KUNHIRAMA KURUP : Will the Hon. the Minister for Agriculture be pleased to state—

(a) the schemes sanctioned under the Local Development Works in Quilandy Firka, in Kurumbranad taluk, Malabar, for the year 1952–53; and

(b) whether all the works have been completed, and if not, why?

A.—(a) & (b) No scheme was sanctioned under the Local Development Works programme in Quilandy firka during 1952–53 as the Local Development Works programme was introduced by the Planning Commission only in 1953–54 and there was no such programme in 1952–53.

Security cases in Kuthanallur Police Station

146 *Q.*—Sri P. VENKATESHA SHOLAGAR : Will the Hon. the Minister for Finance be pleased to state—

(a) the number of cases instituted under sections 107, 109 and 110 of the Criminal Procedure Code in the Kuthanallur Police Station area in Tanjore district;

(b) how many cases were dropped;

(c) how many cases ended in conviction; and

(d) how many cases are still pending?

A.—(a) 23.

(b) Nil.

(c) 23.

(d) Nil.

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Factory for making soap with neem-oil

147 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the place selected for the establishment of a factory and institution for making soap with neem oil;

(b) the reasons for selecting the place; and

(c) what the other places considered by the Government were as suitable for establishment of the above?

A.—(a) No decision has yet been taken.

(b) & (c) Do not arise.

Toy-making industry

148 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state the schemes which the Government have on hand or under consideration to develop the toy-making cottage industry?

A.—Two schemes have already been sanctioned—one for a Departmental Unit for the manufacture of paper toys in the Pulivalam village of Musiri taluk in Tiruchirappalli district and another for the manufacture of clay toys in Tholurpatti village of Musiri taluk. It is also proposed to investigate the possibility of setting up service units for developing the Ceramic Industry including toy-making on a cottage basis in the Neiveli Lignite area. No other scheme is under consideration at present.

Transfer of Prohibition work to the Police department

149 Q.—SRI A. RATNAM: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) whether the Government transferred the Prohibition work to the Police department throughout the State early this year;

(b) if so, the names of the districts where the work has been transferred early this year;

(c) whether the entire staff connected with the Prohibition work has been included in the Police department;

(d) whether it is a fact that a Deputy Inspector-General of Police has been put in charge of Prohbiton enforcement in the State;

(e) what are the facilities extended to the Prohibition staff to undergo training in the police force;

(*f*) how the officers have been fitted in the categories of officers of equal rank in the existing police staff and the principles on which this has been done; and

(*g*) whether this has resulted in the reversion of a number of Inspectors?

A.—(*a*) Yes, with effect from 3rd January 1955.

(*b*) Chingleput, South Arcot, Ramanathapuram, Tirunelveli, The Nilgiris, Malabar, South Kanara and Madras City.

(*c*) The staff sanctioned for the Excise and Prohibition department, both permanent and temporary, has been divided between the Board of Revenue (Excise) for residuary work and the Inspector-General of Police for enforcement work.

(*d*) A Deputy Inspector-General of Police has been temporarily appointed till 28th February 1955 as Officer on Special Duty (Reorganization) in the office of the Inspector-General of Police to attend to the preliminary work in implementing the transfer in respect of the large staff taken over by the Inspector-General of Police and their re-disposition and in formulating a re-training scheme for them.

(*e*) & (*f*) The Officer on Special Duty (Reorganization) is working out a scheme for the re-training of the Excise staff transferred to the Police department, their re-disposition and absorption in the Police department and the principles on which it should be done. Pending receipt of his proposals, the existing organizational set-up of the Excise and Prohibition department for the enforcement of prohibition in the eight districts will be continued, subject to the following modifications :—

(1) The three Assistant Commissioners of Excise allotted to the Police Department will work as Personal Assistants to the Inspector-General of Police, Commissioner of Police, Madras, and the Deputy Inspector-General of Police, Railways and C.I.D., Madras;

(2) the District Prohibition Officers will work as Personal Assistants to the District Superintendents of Police on the prohibition side; and

(3) the District Prohibition Officers, the Deputy Prohibition Officers, Assistant Inspectors of Excise, Sub-Inspectors of Excise, Petty Officers, Prohibition Guards and the ministerial staff in the districts will work under the control of the respective District Superintendents of Police of districts.

(*g*) The answer is in the negative.

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Housing programme for workers

150 *Q.*—Sri A. RATNAM : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether the Government have any scheme for the construction of new houses under the Government housing programme for workers in the year 1955–56;

(*b*) if so, the estimated cost;

(*c*) whether the Government have constructed any industrial housing block under the Industrial Housing Scheme; and

(*d*) if so, the number of houses so constructed for industrial workers in the State?

A.—(*a*) Yes, Sir.

(*b*) Rs. 28,03,840.

(*c*) Not yet.

(*d*) Does not arise.

Salary of Non-Gazetted Officers

151 *Q.*—Sri A. RATNAM : Will the Hon. the Minister for Finance be pleased to state—

(*a*) the expenditure incurred towards the salary of Non-Gazetted Officers in 1953–54; and

(*b*) the number of Non-Gazetted Officers in the State?

A.—(*a*) The expenditure incurred towards payment of salary of Non-Gazetted Officers in 1953–54 was Rs. 6,61·42 lakhs on 30th September 1953 for the Composite Madras State and Rs. 3,08·40 lakhs on 31st March 1954, for the Residuary Madras State.

(*b*) The total number of posts under the Subordinate Ministerial and Superior Services was 178,743 on 30th September 1953 and 124,188 on 31st March 1954.

Strike in Textile Mills, Coimbatore

152 *Q.*—Sri R. KUPPUSWAMY : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether there was any token strike of the textile workers in the Coimbatore district on 21st December 1954;

(*b*) if so, the reasons therefor;

(*c*) whether it is a fact that many workers who had not participated in the strike were threatened and some were even beaten by those on strike while the strike was going on;

(*d*) whether any report was sent to the local police by the non-strikers as against the strikers; and

(*e*) if so, what action has been taken on the strikers?

A.—(*a*) Yes, Sir.

(*b*) The strike was staged as a protest against the management's failure to implement the recommendations of the Tripartite Textile Enquiry Committee.

(*c*) Yes, Sir.

(*d*) Yes, Sir.

(*e*) Action under the Indian Penal Code was taken againts the persons complained of by the non-strikers.

Bus route permits for Harijans

153 *Q.*—Sri M. DHARMALINGAM: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state whether any Harijans applied for any bus route in 1953 and 1954?

A.—Two Harijans in 1953 and 5 Harijans in 1954 applied for the grant of stage carriage permits.

Promotion of Sub-Registrars

154 *Q.*—Sri K. M. SEETHI SAHIB: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(*a*) the number of Sub-Registrars recently promoted from the department; and

(*b*) the number of Muslims among them?

A.—(*a*) Eight.

(*b*) Nil.

State Soil Conservation Board

155 *Q.*—Sri N. K. PALANISAMY: Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether any Land Utilisation and Soil Conservation Board has been constituted in the State;

(*b*) if so, the names of the members thereof; and

(*c*) the amount of work turned out by the Board in the districts?

A.—(*a*) No Board known as 'Land Utilisation and Soil Conservation Board' has been constituted in this State. A Board called the State Soil Conservation Board was

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constituted in 1950. This Board was also re-constituted in May 1954, consequent on the separation of Andhra State.

(b) & (c) The Board is only an advisory body. A statement[a] explaining its constitution and functions as also the important recommendations made by the Board is appended.

Loans under the National Extension Service

156 Q.—SRI M. DHARMALINGAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government have fixed any time limits to the concerned officers for the sanction of the loans to peasants under the National Extension Service and other schemes and for the repayment of the loans by the peasants; and

(b) if so, what they are?

A.—(a) & (b) No time limit has been fixed for the sanction of loans to peasants by the concerned officers under the National Extension Service and other schemes. The Government have, however, fixed time limits for the repayment of the loans by the peasants. All short term loans are ordinarily repayable within a period of five years. All other loans are repayable within a period ranging from 5 to 25 years, as decided by Government from time to time.

National Extension Service Scheme.

157 Q.—SRI M. DHARMALINGAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the total amount spent under National Extension Service Scheme during the year 1954 in the selected areas of this State; and

(b) the nature of work taken up for execution and the number of works completed?

A.—(a) The expenditure incurred during the year 1954 is given below :—

(i) Other than loans Rs. 23,77,794.

(ii) Loans disbursed Rs. 25,08,320.

(b) A statement[b] giving the details of works taken up and executed under the National Extension Service from the inception of the scheme up to 31st December 1954 is appended.

[a] Printed as Appendex VIII on pages 954–956 infra.

[b] Printed as Appendex IX on pages 956–957 infra.

Amount allotted to Tiruvallur Block under National Extension Service Scheme.

158 *Q.*—SRI M. DHARMALINGAM: Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the amount allotted to Tiruvallur taluk under National Extension Service Scheme for the year 1953–54;

(*b*) the amount allotted for the maintenance of the staff;

(*c*) the amount allotted towards improvement works; and

(*d*) whether any amount was surrendered unspent?

A.—(*a*) The amount allotted to Tiruvallur Block under National Extension Service Scheme for the year 1953–54 is Rs. 44,615.

(*b*) The amount allotted for Pay of Officers, Pay of Establishment, allowances and contingencies, etc., is Rs. 17,325.

(*c*) The amount allotted towards improvement of Works is Rs. 27,290.

(*d*) A sum of Rs. 7,587 was surrendered at the end of 1953–54.

National Extension Service Blocks for Malabar

159 *Q.*—SRI M. NARAYANA KURUP: Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether the Government have allotted any additional blocks for Malabar for the year 1955–56 under the National Extension Service; and

(*b*) if so, what they are?

A.—(*a*) No. The question of allotment of Blocks under the National Extension Service during 1955–56 has not yet been taken up.

(*b*) Does not arise.

Government Hospital, Tiruvallur

160 *Q.*—SRI M. DHARMALINGAM: Will the Hon. the Minister for Health be pleased to state—

(*a*) the number of beds provided for in-patients in the Government Hospital, Tiruvallur, Chingleput district;

(*b*) the average number of out-patients attending the hospital daily in 1954;

(*c*) the number of doctors and others working in the hospital; and

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(*d*) the amount allotted for (i) the purchase of medicine and (ii) the maintenance of the staff in 1954?

A.—(*a*) 13, Sir.

(*b*) 297, Sir.

(*c*) Two Medical Officers, two Nurses, one Maternity Assistant, two Compounders, one Cook, three Nursing orderlies, one Peon and one Toty.

(*d*) Rs. 5,642 or the purchase of medicines and Rs. 15,528 for the maintenance of staff.

Grant of house-sites to Harijans in Edayapalayam village

161 *Q.*—SRI A. RATNAM: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether any representation was received on 7th January 1955 by the Government from 254. Edayapalayam village, Ponneri taluk, through a member of the House requesting the grant of house-sites to 200 Harijans in the village;

(*b*) if so, the action taken thereon; and

(*c*) what are the amenities provided for them by the Government?

A.—(*a*) Yes.

(*b*) Copies of the letter and the petition from the Harijans have been sent to the Collector for necessary action.

(*c*) The question does not arise now.

Development of State highways

162 *Q.*—SRI A. RATNAM: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) the programme of the State Government for the development of highways and the estimated cost for the next Five-Year Plan;

(*b*) how many roads and the extent of roads that will be tarred under the Second Five-Year Plan;

(*c*) how many highways will be widened and how many highways will be provided with two-way traffic and their estimated cost; and

(*d*) whether all the plans have been made ready and submitted to the centre.

A.—(*a*) *to* (*d*) The Chief Engineer (Highways) has been requested to prepare a draft Second Five-Year Plan for Rs. 12 crores with details of various categories of works.

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Murder and suicide cases in Kurumbranad taluk

163 Q.—SRI K. MOIDU: Will the Hon. the Minister for Finance be pleased to state the number of cases of murder and suicide recorded in all the police stations in Kurumbranad taluk in Malabar district, during the years 1952–53 and 1953–54?

A.—A statement is placed below:—

Statement showing the number of cases of murder and suicide recorded in the police stations in Kurumbranad taluk in Malabar district, during the years 1952–53 and 1953–54.

Station.	Number of murder cases recorded.		Number of cases of suicide recorded.	
	1952–53.	1953–54.	1952–53.	1953–54.
(1)	(2)	(3)	(4)	(5)
1 Badagara ..	Nil.	Nil.	12	4
2 Nadapuram ..	1	Nil.	10	4
3 Quilandy ..	1	1	1	7
4 Payyoli ..	1	Nil.	2	4
5 Perambra ..	Nil.	1	4	3
6 Balussery ..	Nil.	1	5	5
7 Kuttiady ..	1	Nil.	1	3
Total ..	4	3	35	30

River conservancy from the Lower Anicut Coleroon left bank to the sea

164 Q.—SRI G. VAGHEESAM PILLAI: Will the Hon. the Minister for Public Works be pleased to state—

(a) the amount spent during 1951–52, 1952–53 and 1953–54 for the maintenance of river conservancy from the Lower Anicut Coleroon left bank to the sea; and

(b) the length of the road?

		RS.
A.—(a)	1951–52	24,875
	1952–53	35,278
	1953–54	27,931

(b) 32 miles and 7 furlongs.

Half grants to panchayats for village roads

165 Q.—SRI G. VAGHEESAM PILLAI: Will the Hon. the Minister for Local Administration be pleased to state the amount spent for village panchayats under half grants for roads and culverts during 1952–53 and 1953–54?

A.—The grants actually disbursed to the panchayats in this State for improvement of village communications during 1952–53 and 1953–54 are Rs. 59,099 and Rs. 54,137 respectively.

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Second Five-Year Plan

166 *Q.*—SRI A. RATNAM: Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether the programme of work to be done in this State under the Second Five-Year Plan has been finalized and whether it will be placed on the table of the House; and

(*b*) whether the Government have reviewed the progress of work in this State under the First Five-Year Plan, and if so, make such reviews available to this House?

A.—(*a*) The Second Five-Year Plan for the Madras State has not yet been finalized. The Plan, when finalized, will be placed on the table of the House.

(*b*) The answer to the first part of the question is in the affirmative. The attention of the hon. Member is invited to the publication entitled "Madras in the Five-Year Plan" copies of which have already been furnished to the Members.

Stationery articles to Government departments

167 *Q.*—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Public Works be pleased to state the total expenditure incurred on the supply of stationery articles to all Government departments in the State in 1953 and 1954?

A.—

Year. (1)	Expenditure. (2) RS.
1952–53 For Composite State	52,57,793
1953–54 For six months April to September 1953, for Composite State.	27,50,755
1953–54 For remaining six months, October 1953 to March 1954, for Madras State.	22,19,974

Separate figures for calendar years 1953 and 1954 are not avoilable.

Misappropriation of Government dues by village officers

168 *Q.*—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Revenue be pleased to state the number of cases of embezzlement, misappropriation of Government dues by village officers in Pudukkottai division of Tiruchirappalli district, after the merger of the Pudukkottai State with the Madras State?

A.—Thirteen cases till the end of 1954.

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Recruitment of District Munsifs

169 *Q.*—SRI V. R. NAGARAJAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether there was any recruitment of District Munsifs during 1954;

(*b*) the total number of District Munsifs selected;

(*c*) how many applied from the Bar and from the Services;

(*d*) how many were selected from the Bar and from the Services respectively;

(*e*) how many Assistant Public Prosecutors applied and were selected;

(*f*) how many Judicial District Magistrates applied and were selected;

(*g*) how many Muslims applied and how many were selected from—

(i) Bar;

(ii) Services; and

(*h*) how many of the candidates formerly selected by the Madras High Court are still 10 (*a*) (i) candidates?

A.—(*a*) Yes, Sir, in September 1954.

(*b*) Fifty.

(*c*) Two hundred and forty-six candidates applied from the Bar and 124 (one hundred and twenty-four) candidates applied from the Service.

(*d*) Twenty-seven candidates were selected from the Bar and twenty-three were selected from the Services.

(*e*) Fifty-nine Assistant Public Prosecutors applied, of whom three were selected.

(*f*) As posts of District Magistrates (Judicial) are borne on a higher cadre and promotion to those posts are made from District Munsifs, the quetion of incumbents in these posts applying for appointment as District Munsifs does not arise.

(*g*) (i) Nineteen Muslims applied from the Bar and two were selected.

(ii) Six Muslims applied from the Services, but none was selected.

(*h*) Thirty-one.

Cashewnut cultivation in Malabar

170 *Q.*—SRI K. KUNHI MOHAMED SHAFEE : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) how many acres of land are under cashewnut cultivation in Malabar district in 1953–54; and

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(*b*) the total production of cashewnut in Malabar district in 1953–54?

A.—(*a*) During the year 1953–54, 23,467 acres were under cashewnut cultivation in Malabar district.

(*b*) The production was 2,290 tons in terms of kernel in that district in the same year.

Pick-pocketing in City buses

171 *Q.*—SRI A. RATNAM: Will the Hon. the Chief Minister be pleased to state—

(*a*) the number of pick-pockets detected for theft of purses from passengers in the City of Madras in the year 1953–54;

(*b*) the number of passengers who were pick-pocketed—

(i) while travelling in buses; and

(ii) while trying to get into the buses;

(*c*) the number of persons chased on suspicion while alighting from the buses as well as getting into the buses; and

(*d*) the number of persons stabbed and grievously hurt by pick-pockets in 1954?

A.—(*a*) 182.

(*b*) (i) 145.

(ii) 128.

(*c*) 5.

(*d*) 1.

National Productivity Centre

172 *Q.*—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state the steps taken by the Madras Government to increase the industrial productivity under the National Productivity Centre?

A.—The question of starting a National Productivity Centre is under the consideration of the Government of India. The question asked by the hon. Member does not therefore arise at this stage.

Five-Year Plan

173 *Q.*—SRI K. ARANGANATHAN: Will the Hon. the Minister for Finance be pleased to state the method of propaganda chalked out by the Government for popularizing the Five-Year Plan in the State, if any?

A.—No special method of propaganda has been chalked out by the Madras Government for popularizing the Five-Year Plan. The Plan is being published through the normal channels, i.e., through the medium of special publications, articles in the 'Madras Information', broadcast talks, exhibitions, etc.

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Uplift of Backward Classes

174 *Q.*—SRI K. ARANGANATHAN : Will the Hon. the Minister for Religious Endowments and Transport be pleased to state the scheme in the First and Second Five-Year Plan for the uplift of backward communities in the State?

A.—As regards the First Five-Year Plan, the attention of the Member is invited to the answer given to clauses (*a*) and (*b*) to the question No. 411 at the meeting of this House on 17th December 1954. The Second Five-Year Plan has not yet been finalized.

New panchayat boards in Tiruvallur taluk

175 *Q.*—SRI M. DHARMALINGAM : Will the Hon. the Minister for Local Administration be pleased to state the names of villages where new panchayat boards are proposed to be constituted in Tiruvallur taluk, Chingleput district?

A.—The names of villages in the Tiruvallur taluk of the Chingleput district for which panchayats are proposed to be constituted are—

1 **Mudiyur.**
2 **Bheerakuppam.**
3 **Thirupuranthakapuram.**
4 **Ramagiri.**
5 **Venbakkam.**
6 **Rajanagaram.**
7 **Pulipadu.**
8 **Karur.**
9 **Adivikodiambedu.**
10 **Pennalurpet.**
11 **Gunipalayam.**
12 **Perunthur.**
13 **Sendrampalayam.**
14 **Nambakkam.**
15 **Rallapadi.**
16 **Thonur.**
17 **Poondi.**
18 **Movur.**
19 **Malandur.**
20 **Kalpathi.**
21 **Sembedu.**
22 **Punnapakkam.**
23 **Poorivakkam.**
24 **Kunnavakkam.**
25 **Thirupair.**
26 **Thinnabhupalapuram.**
27 **Ramanjeri.**
28 **Ramenthendalam.**
29 **Magaral.**
30 **Guruvoyal.**
31 **Damarapakkam.**
32 **Kodivali.**
33 **Pinjivakkam.**
34 **Egathur.**
35 **Athigathur.**
36 **Melnallathur.**
37 **Vengathur.**
38 **Satharai.**
39 **Nungambakkam.**
40 **Kondacheri.**
41 **Kilacheri.**
42 **Paparambakkam.**
43 **Koovam.**
44 **Ulandai.**
45 **Thodukkadur.**
46 **Kotaiyur.**
47 **Koppur.**

Appointment of Deputy Tahsildars in Chingleput district.

176 *Q.*—SRI M. DHARMALINGAM : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) the rules for the selection of persons to be included in the list of persons qualified for appointment as Deputy Tahsildars;

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(b) how many upper division clearks have been promoted as Deputy Tahsildars in Chingleput district since 1950; and

(c) how many of them are Harijans, backward classes and Brahmans?

A.—(a) The rules are given in appendix [a] below.

(b) Twenty-six.

(c) Harijans—Nil.

Backward classes—4.

Brahmans—10.

Sinking of wells for lift irrigation

177 Q.—SRI M. DHARMALINGAM: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government have issued any orders to recover immediately the subsidy granted to agriculturists for sinking of wells for lift irrigation;

(b) if so, the number of persons from whom the amount was recovered and the total amount recovered in the year 1953–54; and

(c) the amount yet to be recovered?

A.—(a) The Government have not issued any orders to recover immediately the subsidy loans granted to agriculturists for sinking of wells for lift irrigation.

(b) Does not arise.

(c) Does not arise.

Cultivable waste lands in Vandur firka

178 Q.—SRI K. P. GOPALAN: Will the Hon. the Minister for Revenue be pleased to state how many acres of cultivable waste lands are there in Vandur firka, Ernad taluk, South Malabar, owned by Government and private landlords?

A.—There are 2,400 acres of cultivable waste lands belonging to private janmis in Vandur firka, Ernad taluk. There are no cultivable waste lands belonging to the Government.

Municipalities and panchayat boards

179 Q.—SRI G. GOVINDAN: Will the Hon. the Minister for Local Administration be pleased to state the number of municipalities and panchayat boards in each district according to their grades?

[a] Printed as Appendix X on page 957–959 infra.

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A.—A statement is appended below :—

Districtwise classification of municipalities and panchayats.

Serial number and name of district.	Number of municipalities.					Number of panchayats.		
	Selection grade.	First grade.	Second grade.	Third grade.	Total.	Class I.	Class II.	Total.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1 Chingleput	..	1	..	2	3	14	379	293
2 South Arcot	..	1	2	1	4	17	365	382
3 Tanjore	..	2	2	2	6	23	696	719
4 Tiruchirappalli ..	1	..	2	1	4	22	462	484
5 Madurai	1	1	1	3	6	26	336	362
6 Ramanathapuram ..	..	..	3	4	7	24	208	232
7 Tirunelveli	..	2	1	1	4	37	178	215
8 North Arcot	..	1	2	5	8	19	861	880
9 Salem	1	..	..	1	2	35	582	617
10 Coimbatore	1	3	..	4	8	33	225	258
11 The Nilgiris	..	1	1	..	2	6	31	37
12 Malabar	..	1	4	..	5	31	150	181
13 South Kanara	..	1	..	1	2	7	264	271
Total ..	4	14	18	25	61	294	4,737	5,031

Pay of the shroffs in the sub-treasuries.

180 *Q.*—SRI R. S. ARUMUGAM : Will the Hon. the Minister for Revenue be pleased to state the scales of pay of the shroffs in the sub-treasuries of this State?

A.—Grade I—Rs. 70 per mensem.

Grade II—Rs. 40—2—50—1—65 per mensem.

Grade III—Rs. 30—1—45 per mensem.

Jeeps for District Health Officers

181 *Q.*—SRI R. S. ARUMUGAM : Will the Hon. the Minister for Health be pleased to state how many jeeps have been made available for the use of the District Health Officers in the State?

A.—Nine jeeps, Sir.

Forest waste lands in Pudukkottai division

182 *Q.*—SRI V. CHINNAYYA : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the extent of forest waste lands in Pudukkottai division;

(*b*) how many applications were received by the Government in 1954 for the assignment of these lands for cultivation; and

(*c*) how many of them were received from the Harijans?

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A.—(*a*) The forests in Pudukkottai form part of the Pudukkottai range which is in Tiruchirappalli Forest Division. The Pudukkottai forests are fairly well wooded and there are no waste lands in them.

(*b*) No such applications were received.

(*c*) Does not arise.

Assignment of lands to Scheduled Castes

183 *Q.*—Sri D. DASARATHAN : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) the total extent of lands reserved for the Scheduled Castes in the State;

(*b*) the extent of lands of that total under the occupation of the Scheduled Castes at present; and

(*c*) the steps taken by the Government for assigning the remaining lands?

A.—(*a*) *to* (*c*) The particulars are not readily available. The time and labour involved in gathering the particulars will not be commensurate with the benefit to be derived thereby.

Government Pentland Hospital, Vellore.

184 *Q.*—Sri D. DASARATHAN : Will the Hon. the Minister for Health be pleased to state—

(*a*) the number of beds available in the Government Pentland Hospital at Vellore;

(*b*) the number of doctors employed in it; and

(*c*) whether the hospital is supplied with adequate quantity of medicines and provided with the necessary medical equipments?

A.—(*a*) 202.

(*b*) Thirteen doctors.

(*c*) Yes.

Number of non-gazetted officers

185 *Q.*—Sri G. GOVINDAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) the total number of non-gazetted officers in the State; and

(*b*) the total number of Malayalee non-gazetted officers in the State?

A.—(*a*) & (*b*) The Government consider that the time and labour involved in the collection of the information sought will not be commensurate with the purpose that it may serve.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—MOTION UNDER RULE 40 OF THE MADRAS ASSEMBLY RULES *re* ILLEGAL LOCK-OUT IN PALAR MILLS, WALLAJABAD

9-30 a.m. * SRI S. RAMALINGAM:—"கனம் சபா நாயகர் அவர்களே, வாலாஜாபாத்தில் பாலாறு மில் என்ற ஒரு மில் இருக்கிறது. அந்த மில்லிலுள்ள தொழிலாளர்கள் ஒரு குறிப்பிட்ட டிபார்ட்மெண்ட்டில் மெதுவாக வேலை செய்கிறார்கள் என்ற காரணத்தைக் காட்டியும் அவர்கள் அதிகமாக வேலை செய்யவேண்டும் என்ற காரணம் காட்டியும்—அவர்கள் பேரில் எந்த விதமான காரணங்களும் இல்லாததால் 19—3—1955-ம் தேதி முதல் அந்த மில்லை திடீரென்று மூடிவிட்டார்கள். அந்த மில் ஏற்கனவே 1954-ம் வருஷம் அக்டோபர் மாதம் 16-ம் தேதி மூடப்பட்டு திரும்பவும் திறக்கப்பட்டது. அப்படித் திறந்து ஆரம்பிக்கப்பட்ட பின் தொழிலாளர்களிடமிருந்து அதிகப்படியான வேலை வாங்க வேண்டும் என்று கருதி அவர்களுக்குக் குறைந்த சம்பளம் கொடுக்கவும் சூழ்ச்சி செய்திருக்கிறார்கள். பிறகு அந்த மில்லைத் தொடர்ந்து நடத்துவதற்கு சர்க்காருடைய உதவியையும் போலீஸ்காரர்களுடைய உதவியையும் நாடி அந்த மில்லை நடத்திக் கொண்டு வந்திருக்கிறார்கள். அப்படி நடத்தும்போது தொழிலாளர்களை மிரட்டிக்கொண்டு வேலை வாங்கிக் கொண்டும் வந்திருக்கிறார்கள். தொழிலாளர்கள் தங்களுடைய குறைகளை சைதாப்பேட்டை லேபர் ஆபீசரிடம் தெரிவித்தும் இருக்கிறார்கள். நிலைமையைப்பற்றி விசாரணை செய்து தீர்ப்பளிப்பதற்கு முன்னதாகவே தொழிலாளர்கள் மீது பழிவாங்கி அவர்களை பணிய வைக்கவேண்டும் என்ற நோக்கத்துடன் அந்த மில்லை 19—3—1955 மீண்டும் திடீரென்று மூடிவிட்டார்கள் என்று தெரிய வருகிறது. சமீபத்தில் இரண்டொரு நாட்களுக்கு முன்புதான் மீண்டும் அதிகாரிகளின் தலையீட்டின் பேரில் அந்த மில்லை திறந்திருப்பதாகத் தெரியவருகிறது. சட்ட பூர்வமாக அந்தத் தொழிலாளர்களுக்கு நஷ்ட ஈடு கொடுக்க வேண்டியதாகவும், மில்லை மூடி வைத்த நாட்களுக்கு அவர்களுக்கு சம்பளம் கொடுக்க வேண்டியதாகவும் இருக்கிறது. அதற்கு சர்க்கார் நடவடிக்கை எடுத்துக் கொள்ள வேண்டும், சுமுகமான நிலைமையை தொழிலாளர்களுக்கு உண்டுபண்ணுவதற்கும் சர்க்கார் முயற்சி எடுத்துக் கொள்ளவேண்டியதாக இருக்கிறது. இதை சர்க்காருடைய கவனத்திற்குக் கொண்டுவர ஆசைப்படுகிறேன். சரியான நடவடிக்கை எடுக்கக் கூடிய முறையில் சர்க்கார் ஒரு அறிக்கையை சமர்ப்பிக்குமாறும் கேட்டுக்கொள்ளுகிறேன்."

* THE HON. SRI M. BHAKTAVATSALAM :—" Mr. Speaker, Sir, I would like to make this statement with reference to the question raised by the hon. Member"

MR. SPEAKER :—" There is too much noise in the House. I am unable to follow what the Hon. Minister says."

* THE HON. SRI M. BHAKTAVATSALAM :—" As the hon. Member has pointed out in his letter, dated 19th March 1955, the Management of Palar Mills, Limited, Wallajabad, themselves informed the Government that as the workers in the Speed and Ring Frame Departments were adopting go-slow tactics and were refusing to do normal work, it had declared a lock-out in these departments and had laid off the workers in other departments which were affected by the closure. The Palar Mill Workers' Union alleged that the work-load was heavy and that the management had declared a lock-out with a view to crush the union. On the intervention of the Assistant Commissioner of Labour, a settlement has been reached between the parties according to which—

(1) the management has agreed to lift the lock-out from 29th March 1955,

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(2) the workers will do the work they were doing prior to 14th March 1955,

(3) the management will not punish the workers for the alleged go-slow tactics adopted by them, and

(4) all issues pending settlement including that of work-load will be taken up in conciliation before the Labour Officer, Madras-2, before 2nd April 1955.

Sir, I can assure the House that the Government will take suitable action on receipt of the conciliation report from the Labour Commissioner."

SRI M. KALYANASUNDARAM :—" Without any desire to enter into any debate on this question, I want to seek a clarification. What is the opinion of the Government with regard to the closure and whether the Government will be willing to ask the management to give pay for the period of closure? "

THE HON. SRI M. BHAKTAVATSALAM :—" Sir, Government will examine that question only on receipt of a report from the Labour Officer who has been asked to take up this matter for conciliation."

MR. SPEAKER :—" We shall take up the Court Fees Bill. With the co-operation of the House, I wish to finish this Bill before 1-30 p.m. to-day."

SRI M. KALYANASUNDARAM :—" Before we proceed with the agenda, may I remind you, Sir, of the adjournment motion given notice of by the hon. Member Sri K. P. Gopalan."

MR. SPEAKER :—" I am sorry I have forgotten."

III.—ADJOURNMENT MOTION *re* AILMENT OF PRISONERS IN CANNANORE CENTRAL JAIL.

MR. SPEAKER :—" There is an adjournment motion given notice of by the hon. Member Sri K. P. Gopalan—

' This House stands adjourned to discuss a matter of urgent public importance, viz., the failure of the Government to prevent the attack of jaundice on a large number of prisoners lodged in the Central Jail, Cannanore, Malabar, due to *suspected* adulteration of food supplied to the prisoners resulting in the death of a prisoner and the failure of the Government to take preventive measures to check the spread of the disease. '

" The hon. Member suspects that there is adulteration of the food and charges the Government. I want to know how it comes under the adjournment motion."

SRI K. P. GOPALAN :—" This is a very serious thing and prisoners are affected by this disease. I do not want to put it in a categorical form and that is why I have stated ' suspected '."

MR. SPEAKER :—" When the hon. Member suspects, how can he bring an adjournment motion. Let the hon. Member tell me how it comes under this rule? "

SRI K. P. GOPALAN :—" If it is anybody outside the jail, he can go to any medical practitioner to get treatment. But regarding the prisoners in jail it is the sole responsibility of the Government to see that the health of the prisoners is maintained. That is why I want to invite the kind attention of the Government to take remedial measures. Hence, I have brought this adjournment motion before this House."

THE HON. SRI C. SUBRAMANIAM :—" May I appeal to the hon. Member not to take a jaundiced view of the things? "

MR. SPEAKER :—" This is not a matter of urgent public importance. I rule this out of order."

IV.—GOVERNMENT BILLS.

(1) THE MADRAS COURT-FEES AND SUITS VALUATION BILL, 1954—*cont.*

Clause 30.

9-40 a.m. MR. SPEAKER :—" The motion is—

' That clause 30 do stand part of the Bill.' "

SRI P. K. GOPALAKRISHNAN :—" Sir, I move the following amendment (127) :—

' *In line* A, *after the words* " *computed on* " insert *the words* " *one-half of* ".' "

The amendment was duly seconded.

SRI S. PANCHAKSHARAM :—" Sir, I move the following amendment (223) :—

' For " *four hundred* ", substitute " *one hundred* ".' "

The amendment was duly seconded.

SRI V. GOPALA GOUNDER :—" Sir, I move the following amendment (30) :—

' For *the words* " *four hundred* ", substitute *the words* " *two hundred* ".' "

The amendment was duly seconded.

SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, I move the following amendment (33) :—

' Renumber *the present clause as sub-clause* (1) *of that clause* and insert *the following as sub-clause* (2) :—

" (2) *Where the property has no market value, the plaintiff shall, having regard to the magnitude and importance of the property state in the plaint a reasonable amount*

as the value of the suit for jurisdictional purposes and the court-fee in such a suit shall be paid at the following rates :—

When the plaint is presented to—

(i) *a District Munsif's Court :* *Rupees thirty.*

(ii) *the City Civil Court, Madras, or a Sub-Court or a* District Court : *Rupees two hundred.*

(iii) *the High Court :* *Rupees three hundred.*

The amendment was duly seconded.

SRI P. K. GOPALAKRISHNAN :—" Sir, I move the following amendment (128) :—

' Omit *the words " or on rupees four hundred, whichever is higher ".' "*

The amendment was duly seconded.

SRI S. PANCHAKSHARAM :—" My amendment is simple. I want that ' 100 ' should be substituted for ' 400 '. In the other cases, the Hon. the Finance Minister agreed to ' 300 '. That may be accepted in this case also."

* SRI P. K. GOPALAKRISHNAN :—" This clause provides for suits for possession not otherwise provided for. No dispute in title is involved. Therefore, only a smaller fee may be levied. That is why I have moved two amendments. One amendment is to the effect that the fee may be computed on one-half of the market value and not on the market value of the property. The other is to delete the provision regarding the minimum fee fixed. In case the Government are not prepared to agree to the latter, they may at least agree to reduce the fee on Rs. 100 or Rs. 200."

SRI V. GOPALA GOUNDER :—" As agreed to by the Hon. Minister in the case of suits for declaration of possession, he may agree to reduce the figure ' 400 ' to at least ' 300 '' by way of compromise."

* SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, the clause as it is refers only to properties which have got a market value. Provision has not been made for cases of properties which have no market value. My amendment makes provision for categories of properties which have no market value. The Hon. Minister may say that properties having no market value may come under ' trust properties '. May I refer to a temple which has not got a value. All temples are not public temples. No doubt, when we refer to public temples, there may be trustees and public temples may be trust properties. But there may be private temples. Again, within a zamindari the course of the river and the river-bed may be the property of the zamindar. It will be property which has no market value. Suppose a person trespasses upon a portion of the river-bed. The zamindar should be in a position to eject him. When he files a suit to eject a trespasser from a portion of the river-bed what is to be the value of the property for purposes of jurisdictions."

* The Hon. Sri C. SUBRAMANIAM :—" May I appeal to the hon. Member and tell him that without all these illustrations I am able to catch the point? So, it is enough if he mentions the point and then leaves it to me to accept it or not to accept it. He need not be elaborate in arguing the case."

* Sri P. S. KRISHNASWAMY AYYANGAR :—" Then, I only want to know whether the Hon. Minister accepts my amendment or not. Further, the point should be known to all Members and not to the Minister alone. It is only with that object that I am a bit elaborate."

Sri V. R. KRISHNA AYYAR :—" Sir, it is presumptuous for the hon. Member to think that the other Members are less intelligent than the Hon. Minister. Therefore, if he is going to be brief for the sake of the Hon. Minister, he could as well be brief for the sake of the other Members also. Apart from that, the only point which I want to impress upon the Hon. Minister--although perhaps in vain—is this. In regard to clause 30, quite a large number of suits for recovery of possession in Malabar—I can speak from my own experience in Malabar—may cover only a few cents, and if the computation is made on the basis of revenue, it will be very, very low. But, now the minimum of Rs. 400 raises the court-fee to a very high level. If the land is unassessed, then also the profits will be next to nothing. Rs. 400 will be a little high. When the land is a waste land, to penalise him by compelling him to fix a high rate of evaluation is not sound or equitable. I, therefore, commend this to the Hon. Minister for consideration."

* Sri P. RANGASAMI REDDIAR :—" Mr. Speaker, Sir, sometimes suits are filed even with respect to recovery of possession of vacant sites where hay-stacks are put or cowdung is heaped. A vacant site may be worth only Rs. 20. Under clause 30, a person suing for recovery of possession of that site should pay a court-fee of Rs. 30. The court-fee exceeds the value of the site by Rs. 10. Therefore, I suggest that the words 'Rs. 400 whichever is higher' may be omitted and that it may be left to the good sense of the litigants to value the properties according to the prevailing market rates."

* The Hon. Sri C. SUBRAMANIAM :—" This is a residuary clause. We have already provided for cases of agricultural lands in clause 7 and the other clauses. This clause is with reference to immovable property not covered by any of the previous clauses. That being so, I do not see any justification to show any concession in this matter. Therefore, the fee should be computed on the market value or, as we have fixed a minimum in the case of declaratory suits and injunctions with reference to immovable property, with reference to possession also, there should be a minimum. This won't relate to agricultural property. Therefore, I do not think that the concession in the other clauses to reduce it to Rs. 300 need be shown here."

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The amendments of Sri Gopalakrishnan were put and lost.

The amendment of Sri Panchaksharam was, by leave, withdrawn.

The amendment of Sri Gopala Gounder was, by leave, withdrawn.

The amendment of Sri P. S. Krishnaswamy Ayyangar was, by leave, withdrawn.

Clause 30 was put and carried.

Clause 31.

MR. SPEAKER :—" The motion is—

' That clause 31 do stand part of the Bill.' "

SRI P. K. GOPALAKRISHNAN :—" Sir, I move the following amendments (129 to 131) :—

' Omit *the words* " *which amount shall in no case be less than rupees four hundred* ".

In line 3, after *the words* " *computed on* ", insert *the words* " *one-fourth of* ".

Omit *the proviso*.' "

The amendments were duly seconded.

SRI S. PANCHAKSHARAM :—" Sir, I move the following amendment (224) :—

' For " *four hundred* ", substitute " *one hundred* ".' "

The amendment was duly seconded.

SRI V. GOPALA GOUNDER :—" Sir, I move the following amendment (34) :—

' For *the words* " *four hundred* ", substitute *the words* " *two hundred* ".' "

The amendment was duly seconded.

* SRI K. PARTHASARATHY :—" Sir, the minimum value of suits relating to easement is fixed at Rs. 400. It is but right that the concession was not extended to the provision contained in the previous clause. But in respect of suits under this clause, I request that the Hon. the Minister for Finance will consent to the minimum value being fixed at Rs. 200 instead of Rs. 300." 9-50 a.m.

SRI P. RANGASWAMI REDDIAR :—" Mr. Speaker, suits regarding disputes about channel rights, pathway rights and rights regarding other types of easement such as light, air, etc., are not uncommon in our country. A channel right or a pathway or a right of easement in a common land are all reasonably valued at ten or twenty rupees. Even taking into consideration the market value of the portion of land that would be in dispute, to fix the

value at Rs. 400 would really be a hardship on the poor people. If the intention of the Government is not to exploit the litigant population resorting to courts of law, this minimum should be omitted. It is common knowledge and it would be clear if the figures in the plaints are scrutinized even at random, that easement rights are valued only at Rs. 10 or Rs. 15 and the court-fee fixed is just Re. 1–2–0 or Rs. 1–14–0. Such disputes are not uncommon and it cannot be said that they are vexatious or frivolous, and that they are intended only to harass parties. Therefore, I plead that either minimum should be reduced or totally dropped.''

* Sri V. GOPALA GOUNDER :—'' Sir, in view of the large number of suits filed for easement rights and in view of the fact that such suits are always valued at ten or fifteen rupees, it is not fair or justifiable to rank them with suits for property wherein we can fix the value as the market value of the property or so many times the land revenue payable on account of the property. This limit of Rs. 400 is too high. I hope the Hon. the Minister for Finance will agree with the Opposition in this case and reduce the minimum to Rs. 100 from Rs. 400.''

* Sri M. NARAYANA KURUP :—'' Sir, while I would welcome a reduction in court-fee in respect of any other suits, I will not be sorry if the rate remains the same as is suggested in the clause because these types of cases are most contentions. We are told that rich people and big people are likely to oppress poor people by means of easement suits. Any relief granted in respect of court-fees will not avail. The expenses involved in easement suits are much more in other respects than by way of court-fees. For instance, if a rich man wants to oppress a poor man, he can put the value of the suit at Rs. 10,000 and if he succeeds he can mulct the other party with the whole cost. Still, Sir, inasmuch as suggestions have been made to reduce the limit to Rs. 300, I welcome the reduction.''

9-55 a.m. Sri E. T. KUNHAN :—'' മിസ്റ്റർ സ്പീക്കർ, സാർ, പൊതുവഴികൾ അടച്ചു കൃഷിക്കാരേയും ഹരിജനങ്ങളേയും മററും ബുദ്ധിമുട്ടിക്കുന്ന ചില അക്രമികളുണ്ട്. അത്തരം കേസ്സുകൾ നാട്ടിൽ ധാരാളമായുണ്ടാകുന്നുണ്ട്. അക്രമമായി അടച്ച വഴി തുറന്നുകിട്ടുന്നതിന് കോടതിയിൽ പോകാമെന്നുവച്ചാൽ വമ്പിച്ച ഫീസ്സാണ് ചുമത്തിയിരിക്കുന്നത്. അതുപോലെതന്നെ തോടുകൾ അടച്ചു കൃഷിക്കു വെള്ളം കിട്ടാതാക്കുന്ന ചില ജന്മിമാരുണ്ട്. തോടു അടച്ചുകളഞ്ഞാൽ തുറന്നുകിട്ടുന്നതിനു ആക്ഷേപം കൊടുക്കുമ്പോൾ വലിയ ഫീസ്സുവച്ചാൽ സാധുക്കളായ കൃഷിക്കാർക്കു കോടതിയിൽ അപേക്ഷ ബോധിപ്പിക്കാനേ സാദ്ധ്യമല്ലെന്നുവരും. അതുകൊണ്ടു ഈസ്മെൻറ് സൂട്ടുകൾക്കുള്ള 'ഫീസ്സ്' ഇന്നു ഏററവും ചുരുങ്ങിയതു 30 ക. എന്നുള്ളതു് 15 ക. ആക്കി കുറയ്ക്കണമെന്നാണ് എൻെറ അഭിപ്രായം. ബഹുമാനപ്പെട്ട മെമ്പർ ശ്രീ പി. കെ. ഗോപാലകൃഷ്ണൻെറ ഭേദഗതിയെ ഞാൻ പിൻതാങ്ങുന്നു.''

* Sri S. PANCHAKSHARAM :—'' Sir, I did not want to intervene but certain remarks made by the hon. Member, Mr. Narayana Kurup, have made my intervention necessary. He says that easement suits are filed only by rich people.''

The Hon. Sri C. SUBRAMANIAM :—'' He did not say so.''

* SRI S. PANCHAKSHARAM :—" I am sorry then. The only practical difficulty that confronts poor people in the villages is this. I believe the Hon. the Minister for Finance must be aware of the fact that easement rights with reference to channels alone form the bulk of suits. There are channels which lead from one field to another field. They are not well demarcated channels and they are not also marked in the plans. They are channels which are allowed by one party to the other so that water may flow to other lands as well. Wherever the party is strong, wherever there is a faction, wherever there is a falling out between parties, of course, the stronger or the richer man behaves in a highhanded way; he closes the channels. The poor man is not able to substantiate his case about the existence of the channel because the rich man is able to get any number of witnesses to show that the channel was not there and that his position is correct. The poor man is at a disadvantage. He has to apply to the taluk office for records to show to the court that his land has always been irrigated with some water and the existence of the channel has to be presumed by the court therefrom. This is what happens. The limit of Rs. 400 is too much. It may be reduced to Rs. 200."

SRI P. K. GOPALAKRISHNAN :—" Sir, easement rights are very important rights. These rights are often infringed by powerful parties. Those who are less powerful like poor peasants and agricultural labourers will not be able to go to the court if the fee is more than, say, Rs. 30. I hope the Government will show some concession here also."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, both sides have argued the provision as far as this clause is concerned. But I am inclined to reduce this four hundred rupees to three hundred rupees in view of the fact that land rights may be involved here. Subject to this concession, I oppose all other amendments. I move—

> ' *that in line 4, for the word " four " the word " three " be substituted.*' "

MR. SPEAKER :—" I am going to put the amendments to vote."

SRI P. K. GOPALAKRISHNAN :—" I withdraw my amendments."

The amendments were, by leave of the House, withdrawn.

SRI V. GOPALA GOUNDER :—" I withdraw my amendment."

The amendment was, by leave of the House, withdrawn.

SRI S. PANCHAKSHARAM :—" I withdraw my amendment."

The amendment was, by leave of the House, withdrawn.

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MR. SPEAKER :—" The question is—

'That in line 4, for the word " four " the words " three " be substituted.' "

The amendment was put and carried.

Clause 31 as amended was put and carried.

Clause 32 was put and carried.

Clause 33.

SRI M. NARAYANA KURUP :—" Sir, I move (88 and 90)—

'*After sub-clause* (1) *and before the Explanation*, insert *the following proviso* :—

" *Provided that the holder of the mortgage shall be entitled to a reduction of the fee which he has paid in respect of the same mortgage in any prior suit or proceeding.*"

" *In sub-clause* (3), add *at the end the words* " *in the application* ".' "

The amendments were duly seconded.

SRI P. K. GOPALAKRISHNAN :—" Sir, I move (134)—

'Omit *sub-clause* (2).' "

The amendment was duly seconded.

SRI P. K. GOPALAKRISHNAN :—" Sir, I move (134)—

'*In sub-clause* (8), omit *the words* " *of one-fourth of the principal amount expressed to be secured by the instrument of mortgage, whichever is higher* ".' "

The amendment was duly seconded.

SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, I move—

'*In sub-clause* (2), for *the words* " *in such a suit* ", substitute *the words* " *in a suit on a mortgage, with a prayer for sale of the mortgaged property* ".

'*In sub-clause* (2), *line* 4, for *the word* " *contains* ", substitute *the word* " *contain* ". (39)

'*In sub-clause* (3), *after the words* " *a fee computed on the amount claimed by him* ", insert *the words* " *in addition to the fee payable under Article* 11 (*g*) *of Schedule II* ". (40)

'*In sub-clause* (3), add *at the end of the first proviso the words* " *except that payable under Article* 11 (*g*) *of Schedule II* ". (41)

'*In sub-caluse* (8), *second proviso*, for *the words* " *usufructuary mortgage* ", substitute *the words* " *usufructuary or anomalous mortgage* ". (43)

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‘ *In sub-clause* (8), for *the words* “ *expressed to be secured by the instrument of mortgage* ”, substitute *the words* “ *secured under the* ”. (51)

‘ *In amendment No.* 51, *in list No.* 1, *at the end of the expression* “ *secured under the* ” add *the word* “ *mortgage* (290) ”.’ ”

The amendments were duly seconded.

Sri S. PANCHAKSHARAM :—“ Mr. Speaker, Sir, I am moving my amendment No. 226 and not No. 225. Sir, I move— 10 a.m.

‘ (226) *In sub-clause* (8), *first proviso*, for “ *no decree shall be . . . is paid* ”, substitute “ *a decree shall be passed for the amount so ascertained, subject to the payment of the difference in fee between that actually paid and that payable on the same as ascertained within such time as the Court may fix, failing which the suit shall stand dismissed* ”.’ ”

The amendment was duly seconded.

Sri Y. MANJAYA SHETTY :—“ Sir, I move—

‘ For *sub-clause* (8), substitute *the following* :—

“ (8) *In a suit against a mortgagee for redemption of a mortgage fee shall be computed on the principal amount due under the mortgage* ”.’ ”

The amendment was duly seconded.

The Hon. Sri C. SUBRAMANIAM :—“ I am straightaway accepting the amendments 39 and 43 of Sri P. S. Krishnaswamy Ayyangar, viz.,

‘ (39) In sub-clause (2), line 4, *for* the word “ contains ”, *substitute* the word “ contain ”.

‘ (43) In sub-clause (8), second proviso, *for* the words “ usufructuary mortgage ”, *substitute* the words “ usufructuary or anomalous mortgage ”.’ ”

Mr. SPEAKER :—“ The Hon. Minister says that he is accepting amendments Nos. 39 and 43 of Sri P. S. Krishnaswamy Ayyangar.

“ Sri M. Narayana Kurup may now speak.”

* Sri M. NARAYANA KURUP :—“ My amendment No. 90 is only for seeking a clarification. I want to make sure that the fee, computed on the amount claimed in the *application* alone, is paid. Sub-clause (1) of clause 33 states that in a suit to recover the money due on a mortgage, fee shall be computed on the amount claimed. I am objecting to that. I want that a proviso be added to that sub-clause (1), viz.,

‘ **Provided that the holder of the mortgage shall be entitled to a reduction of the fee which he has paid in respect of the same mortgage in any prior suit or proceeding.** ’

That is the purport of my amendment No. 88. In mortgage suits even defendants are asked to pay court-fees. If, for instance, in a case where the plaintiff sues for recovering the money due under mortgage, a subsequent mortgagee is impleaded. There is a sale. The subsequent mortgagee then applies for the surplus amounts due to him. Of course he has to pay court-fees on that. Subsequently the sale is set aside; and he does not get any money. He has to bring a suit subsequently. In such cases there is no provision for the refund of the court-fee he has paid. He should not be asked to pay court-fee. What I want is that the holder of the mortgage shall be entitled to a reduction of the fee which he has paid in respect of the same mortgage in any prior suit or proceeding. That is what my amendment says. Such a proviso is not there for sub-clause (1) of clause 33. There are various other provisions where amounts paid in one proceeding is deducted from the other. There are cases in which the holder of a mortgage has paid court-fee in respect of the same mortgage in subsequent proceedings. In such cases it is but right that he should be entitled to a reduction of the fee which he has paid in respect of the same mortgage in prior suit or proceeding."

Sri S. PANCHAKSHARAM :—" Sub-clause (8) of clause 33 states :

' In a suit against a mortgagee for redemption of a mortgage, fee shall be computed on the amount due on the mortgage as stated in the plaint or on one-fourth of the principal amount expressed to be secured by the instrument of mortgage, whichever is higher. '

So far as the above sub-clause is concerned I have no grievance. But the first proviso to sub-clause (8) of clause 33 says :

' Provided that, where the amount due on the mortgage is found to be more than the amount on which fee has been paid by the plaintiff, no decree shall be passed until the deficit fee is paid. '

That is what the first proviso states. Supposing the court finds that something more is due than for which the court-fee has been ordered and if the plaintiff is asked to pay the additional court-fee and the plaintiff does not pay, what is to happen? There will be a stalemate. Therefore I suggest that :

' In sub-clause (8), first proviso, *for* the words ' no decree shall be . . . is paid " *substitute* the words " a decree shall be passed for the amount so ascertained, subject to the payment of the difference in fee between that actually paid and that payable on the same ascertained within such time as the court may fix, failing which the suit shall stand dismissed. " '

Otherwise there will be difficulty, as I said earlier. There will be a stalemate and no decree can be passed if the court-fee has not been paid."

Sri P. K. GOPALAKRISHNAN :—" Previously no court-fee was levied on written statement. In these cases the owner of the prior mortgage is brought into the court and he is asked to pay court-fee on the written statement. Previously he would never again come to the court unless he had been brought to the court

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by a subsequent mortgage. It is only fair that he is not asked to pay any court-fee in these cases. That is why I have moved my amendment to omit sub-clause (2) of clause 33."

* SRI Y. MANJAYA SHETTY :—" The court-fee is collected in redemption suits on the amount mentioned in the mortgage deed, that is, the principal amount. But according to sub-clause (8) of clause 33 it is suggested that court-fee is to be calculated on the entire amount found to be due as per the decree of the court in such suits. This may cause great hardship. Under sub-clause (8) of clause 33 it is said :

> 'In a suit against a mortgage for redemption of a mortgage, fee shall be computed on the amount due on the mortgage as stated in the plaint or on one-fourth of the principal amount expressed to be secured by the instrument of mortgage whichever is higher.'

It is stated that the fee should be collected as per the amounts stated in the plaint. This may be favourable in case of mortgages which is liable to be scaled down. But the Madras Agriculturists' Debt Relief (Amendment) Act of 1948 is not applicable to South Kanara and a few taluks of Malabar. There is no provision for the scaling down of the debts due under usufructuary mortgages in that area. As such the mortgagor who filed the suit in South Kanara district or in the few taluks of Malabar, which are excluded from the operation of the Act, might have to pay court-fee on the principal amount of the mortgage and also he has to pay the court-fee on other amounts found to be due by the court such as the value of improvements, the increased assessment and such other things. As such he is liable to pay a court-fee more than what he is liable to pay at present. This may cause hardship to him. Apart from that the mortgagor does not generally get the cost of his suit for redemption. The court does not award the cost of the suit. So he cannot be made liable to pay some more court-fee because he does not get the cost in mortgage suits. As such I have moved my amendment and I hope Government will consider and at least apply that amendment to South Kanara and also the few taluks of Malabar where the Madras Agriculturists' Debt Relief (Amendment) Act of 1948 does *not* apply."

* SRI P. S. KRISHNASWAMY AYYANGAR :—" Clause 33 relates to suits relating to mortgages. Sub-clause (1) deals with suits to recover the money due on a mortgage. Suits for recovery of money due on a mortgage may be of two kinds. In one there may be the prayer for the sale of the mortgaged property. In the other the plaintiff may abandon the security and only pray for a decree for money only. Even though he prays merely for a decree for money, it is all the same a suit to recover the money due on the mortgage. Sub-clause (1) simply talks of a suit to recover the money due on a mortgage. But it may include a prayer for sale of the mortgaged property or the plaintiff may abandon the security. It might merely contain a prayer for recovery of money. If he wants to benefit by the security also, he may include a prayer for the sale of the mortgaged property. Sub-clause (1) refers

specifically to suits for recovery of money in general terms. Such a suit may be a suit to recover money without security being added on for realizing the mortgaged amount or it may include a prayer for sale of the security. The meaning is not clear. The first sub-clause, viz., sub-clause (1) does not specifically state whether it will be a suit for recovery of money merely as money or based on the security of the property mortgaged. To make the point clear, I have given notice of my amendment. My amendment seeks to substitute the words ' in a suit on a mortgage, with a prayer for
10-10 a.m. sale of the mortgaged property ' in the place of the words ' in such a suit '. A suit on a mortgage may be for mere recovery of money. A prayer for sale of the mortgaged property must also be added. To make the position clear I have moved this amendment.

" Now coming to my other amendment for inserting the words ' in addition to the fee payable under Article 11 (*g*) of Schedule II ' in sub-clause (3) it is stated, ' . . . such holder of the prior or subsequent mortgage or charge shall pay on his application a fee computed on the amount claimed by him.' Sir, there is a provision for payment of court-fee under Article 11 (*g*) of Schedule II. In this sub-clause (3) it is simply stated that court-fee will be computed on the amount claimed by him. Is it sufficient if he pays court-fee on the amount claimed by him? Suppose he does not claim any amount at all? There will be difficulty in such cases. Suppose there are already some other proceedings and by virtue of the same he is not to claim any amount at all. When such a person files an application and when no amount is due to him, is he to affix stamps to his application? We have to consider this question also. In such cases we must make it clear that court-fee will be leviable on the amount claimed by him under this sub-clause and also under Article 11 (*g*) of Schedule II. It is for this purpose I have moved my amendment, Sir. It is for the same reason I have moved an amendment to the first proviso to this sub-clause for the addition of the words ' except that payable under Article 11 (*g*) of Schedule II '.

" Sir, the second proviso to this sub-clause reads :

' Provided further that, where the holder of the mortgage or charge, not being a party to the suit in which the sale is held, has paid a fee in any other proceeding on the claim to which his application relates, credit shall be given for the fee paid by him in such other proceeding. '

Even in such cases, when he claims some amount he has to file an application and in doing so, is he to affix court-fee stamps or not? We have to make the position clear. I suggest that we may say, ' Credit shall be given for the fee paid by him in such other proceeding except that payable under Article 11 (*g*) of Schedule II '.

" Sir, sub-clause (8) states :

' In a suit against a mortgagee for redemption of a mortgage, fee shall be computed on the amount due on the mortgage as stated in the plaint or on one-fourth of the principal amount expressed to be secured by the instrument of mortgage. '

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It is taken for granted that every mortgage can be brought about only through a deed. We have got mortgages by deposit of title deeds. In such cases, no mortgage deed as such will be there. It is not as if mortgages will always be evidenced by deeds. Again, there may be oral mortgage sometimes. The present wording, ' expressed to be secured by the instrument of mortgage ' is not correct. It is better we substitute those words by the words ' secured under the mortgage '. No doubt the present wording adopted in this clause is found in the existing Act. But, it does not mean that we should repeat the same mistake in the new Act also. We now seek to correct the mistakes found in the old Act. So, we have to incorporate correct provisions in this regard. As I said previously, all mortgages are not brought about by means of deeds. There are mortgages by deposit of title deeds, i.e., there are equitable mortgages. There are also oral mortgages in cases where the amount involved is below Rs. 100. In such cases there will be no deeds at all. To cover such cases also and to make the position clear with reference to such cases, I have moved my amendment and hope that the Hon. the Minister for Law will find it possible to accept the same.''

* THE HON. SRI C. SUBRAMANIAM :—'' Mr. Speaker, I have already stated that I will be accepting two amendments moved by the hon. Member Sri Krishnaswamy Ayyangar. I am now prepared to accept a third amendment of his to sub-clause (8) for substituting the words ' secured under the mortgage ' for the words ' expressed to be secured by the instrument of mortgage '. Even when he began to speak, I was about to say that I am prepared to accept the amendment. But the hon. Member has not yielded. With reference to the other amendments moved by the hon. Member and other hon. Members, I may say that I have considered all of them very carefully but I find that they are unnecessary and so cannot be accepted.

'' Hon. Member Sri Gopalakrishnan said that a mortgagee will be unnecessary dragged into the picture and will be asked to pay court-fee. He is not always asked to pay court-fee. He is asked to pay the fee only in certain circumstances. Only when he prays in his written statement that the amount due on his mortgage or charge be determined and that the decree contains a direction for the payment of such amount to him, fee shall be payable on the written statement computed on the amount claimed. If he keeps quiet and does not want any relief he will not be asked to pay anything. So, sub-clause (2) need not be omitted.

'' Sir, I am unable to accept the amendment moved by Sri Krishnaswami Ayyangar for the substitution of the words '' in a suit on a mortgage with a prayer for sale of the mortgaged property ' as the present provisions are already clear.

'' As for Mr. Narayana Kurup's amendment, I may state that when the sale is set aside, the entire thing will be set aside. I

think the question of payment will arise only after the sale is confirmed. I do not think it will arise even before the sale is confirmed. So, there is no question of paying the court-fee at one stage and later on its becoming infructuous. Under these circumstances there is no necessity for accepting the amendment moved by the hon. Member.

" Sir, I have to oppose all other amendments."

2-00 a.m. * Sri M. NARAYANA KURUP :—" Sir, after 30 days of course many persons are entitled to put in petitions to set aside sale. But supposing in the meanwhile he has to pay court-fee along with application, that is the whole trouble. If he has applied saying that he may be a subsequent mortgagee, he must immediately along with it pay Rs. 7–8–0. In such a case the sale is set aside and if he has to pay, what is the remedy?"

* The Hon. Sri C. SUBRAMANIAM :—" He need not apply at that stage. If all the previous mortgagee's claims are satisfied and if any amount is left behind then only he becomes entitled to the money. At that stage he can always apply. He need not apply even before the sale is confirmed and there is money available for distribution. I do not think it is necessary to provide for such a contingency."

* Sri P. S. KRISHNASWAMY AYYANGAR :—" In such a case no doubt, the plaintiff may bring a suit for recovery of the mortgage amount with a prayer for bringing the mortgaged property for sale. Later on in the middle of the suit, he may withdraw the claim for enforcing the security and he may confine himself to a mere money decree. In such cases it would not be a suit with a prayer added on for the sale of the mortgaged property. It should continue to be such a suit till it is finally decided. Therefore for clearness sake, and for removing any ambiquities, it is better that my amendments are considered sympathetically."

The amendments of Sri M. Narayana Kurup (Nos. 88 and 90) were by leave of the House withdrawn.

Mr. SPEAKER :—" Is the hon. Member Sri Panchaksharam Chettiar withdrawing his amendment (No. 226)?"

(The hon. Member was heard to say, he was withdrawing, from the Officials' gallery.)

Mr. SPEAKER :—" No, no. The hon. Member should reply from his place. I will take it that the hon. Member is not in his seat and therefore treat the amendments as having been withdrawn.

" Then, I want to know from the Government which of the amendments given notice of by the hon. Sri Krishnaswami Ayyangar, they are accepting."

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* THE HON. SRI C. SUBRAMANIAM :—" I have already said, Sir, Government are accepting amendment Nos. 39, 43 and 51."

MR. SPEAKER :—" Is the hon. Member withdrawing the other amendments? "

SRI P. S. KRISHNASWAMY AYYANGAR :—" I am gladly withdrawing all the amendments not accepted by the Government."

Amendment Nos. 38, 40, 41 and 290 were by leave of the House withdrawn.

The amendment of Sri Gopalakrishnan (No. 134) and the amendment of Sri Y. Manjayya Shetty (No. 101) were by leave of the House withdrawn.

MR. SPEAKER :—" The question is—

' In sub-clause (2), line 4, for the word " contains ", *substitute* the word " contain". ' "

The amendment was put and carried.

MR. SPEAKER :—" The question is—

' In sub-clause (8), second proviso, *for* the words " usufructuary mortgage ", *substitute* the words " usufructuary or anomolous mortgage ".' "

The amendment was put and carried.

MR. SPEAKER :—" The question is—

' In sub-clause (8), *for* the words " expressed to be secured by the instrument of mortgage ", *substitute* the words " secured under the mortgage ".' "

The amendment was put and carried.

Clause 33 as amended was put and carried.

MR. SPEAKER :—" Motion moved—

' that clause 34 do stand part of the Bill.'

" The hon. Member Sri V. R. Krishna Ayyar has given notice of an amendment to omit the clause. He need not move the amendment. He can oppose the clause."

SRI V. R. KRISHNA AYYAR :—" I do not want to take much time at all in respect of this matter. I want only to bring to the notice of the Government and this House that this is a new departure from the previous law made on the subject, which is unwarranted somewhat. Both under the general law and in the Civil Procedure Code, kanam is treated as mortgage. For procedural purposes it is treated on a par with the mortgage when a suit for redemption is brought, and court-fee is levied as on a mortgage.

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What is sought to be done now is to increase the court-fee. He has to pay extra court-fee for the relief asked for. It is something like anomolous mortgage where possession is also sought to be recovered on redemption and as in the case of possessory mortgage, possession is given to the mortgagor. Nothing special is done when the redemption of the kanam takes place. Therefore, so far as sub-clause (1) is concerned, the extra payment asked for is unnecessary. It is something like asking for extra payment for relief possession in the case of ordinary possessory mortgage. That is not necessary. Regarding sub-clause (2) also the extra payment is sought to be made which is not the existing law where suit for arrears, melvaram rent or damages to land are sought to be recovered. We can leave all these sub-clauses. Even clause 34 can be omitted as kanams are being treated up till now as possessory mortgages under law of procedure and substantive law. But now under this clause we are making a departure. We should remember we are dealing with agrarian cases, namely, action for redemption by a landlord against a tenant. It may be said that it is the landlord that has to pay. But in all these matters there may be difficulties caused to the tenants. If he raises the contention of misconduct and it is found against the tenant, he may be asked to pay the costs. I therefore suggest that the matter of kanam may be dealt with on a par with other possessory mortgages."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I do not claim to have such detailed knowledge with regard to the Malabar Tenancy Act. I am however advised that the clause as it stands is quite alright. Therefore I do not intend deleting it."

SRI C. H. KANARAN :—" മിസ്റ്റർ സ്പീക്കർ, സാർ, കാണസംഖ്യക്ക മാത്രമല്ലാതെ, അതിനോടു മിച്ചവാരവും പാട്ടവും മററുമൊക്കെ കൂട്ടിച്ചേർത്തു ഫീസ്സ് വസൂലാക്കാനുള്ള ഒരു വകുപ്പാണിതു്. ഒരു കൊല്ലത്തെ പാട്ടസംഖ്യകൂടി ചേർത്തു കണക്കാക്കി കോട്ട് ഫീസ്സ് വർദ്ധിപ്പിക്കാനുള്ള ഒരു ശ്രമമാണ് ഇവിടെ കാണുന്നതു്. ഇതു് നീതിയല്ല, കാണസംഖ്യ എത്രയുണ്ടോ അതിന്നു മാത്രമേ ഫീസ്സ് ഈടാക്കാവൂ. അതിനു് വേണ്ടുന്ന വകുപ്പുകൾ ഈ ബില്ലിലുണ്ടു്. സാധാരണ നിലയിൽ കാണസംഖ്യക്ക ഫീസ്സ് ചുമത്തിയാൽ മതിയാകും. ഇങ്ങനെ ഒരു പ്രത്യേക വകുപ്പുതന്നെ ആവശ്യമില്ല."

* THE HON. SRI C. SUBRAMANIAM :—" The point for consideration is this. Do you want that to be considered as a mere mortgage or tenancy also involved in it? The Malabar Tenancy Act proceeds on the basis that it is a tenancy. Therefore we cannot have it both ways. That is why after full consideration they have treated it in two ways one for redemption and another for ejection on the basis of tenancy."

Clause 34 was put and carried.

MR. SPEAKER :—" Motion moved—

' that clause 35 do stand part of the Bill.' "

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SRI N. MOUNAGURUSWAMI NAIDU :—" Mr. Speaker, Sir, I move the amendments standing in my name (227 to 230), namely :—

' (1) *In sub-clauses* (1) *and* (2), for " *estimated* ", substitute " *valued* ".

' (2) *In sub-clause* (1), after " *for accounts* ", insert, " *or for dissolution of partnership and accounts or for accounts of a dissolved firm* ".

' (3) *In sub-clause* (2), *for* " *no decree directing payment . . . extends* ", substitute " *a decree shall be passed for the amount so ascertained, subject to the payment of the difference in fee, between that actually paid and that payable on the sum so ascertained within such time as the court may fix, failing which the decree shall be limited to the amount on which fee has been paid in the plaint* ".

' (4) For *sub-clause* (3), substitute *the following* :—

" (3) *A decree shall be passed in favour of the defendant, if in any such suit it is found that money is payable to him by the plaintiff, subject to the condition of payment of the court-fee due on the amount of the decree before execution.*" ' "

* SRI S. PANCHAKSHARAM :—" I second the amendments. Sir."

" Sir, ' estimated ' is the word used in clause 35. For the purpose of computing the court-fees, I believe the word ' valued ' would be much better. That is what I want to say with reference to amendment No. 227. 10–30 a.m.

" Amendment No. 228 seeks to insert the words ' or for dissolution of partnership and accounts or for accounts of a dissolved firm ' after the words ' for accounts '. I think that suits for dissolution of partnership and suits for accounts may be clubbed together.

" With reference to amendment No. 229, it reads : ' In sub-clause (2), *for* " no decree directing payment . . . extends ", *substitute* " a decree shall be passed for the amount so ascertained, subject to the payment of the difference in fee, between that actually paid and that payable on the sum so ascertained within such time as the court may fix, failing which the decree shall be limited to the amount on which fee has been paid in the plaint." ' It is there already and I am not very particular about this amendment.

" I am very much particular about the next amendment, viz., No. 230. Clause 35 (3), as it is, says : ' Where in any such suit it is found that any amount is payable to the defendant, no decree shall be passed in his favour until he pays the fee due on the amount.' That means that if in a partnership suit or suit for accounts, a judgment is to be delivered in favour of the defendant

with reference to a particular sum payable by the plaintiff to the defendant, then the judgment has to be disclosed beforehand and time has to be given to the defendant for payment of the court-fee. That is a position which cannot be envisaged at all by any court of law. If the Hon. the Finance Minister does not accept my amendment, I would request him to make necessary amendments so as to see that the delivery of the judgment is simultaneous and synchronizes with the payment of the court-fee that the defendant has got to pay.''

(Deputy Speaker occupied the Chair.)

* THE HON. SRI C. SUBRAMANIAM :—'' Sir, the next clause (clause 36) deals with suits for dissolution of partnership. There is no necessity to club those suits with suits for accounts. The clause says that no decree shall be passed in favour of the defendant until he pays the fee due on the amount. The judgment itself will say that on payment of such and such amount the decree will be passed. I do not think there will be any difficulty. In my opinion, it is not necessary to accept the amendment to sub-clause (3). As for the other point raised by the hon. Member, I think ' estimated ' will be the proper word here. The suit cannot be properly valued until the accounts are completely taken. So it is not proper to say ' valued '.''

The amendments of the hon. Member Sri N. Mounaguruswami Naidu (Nos. 227 to 230) were, by leave of the House, withdrawn.

Clause 35 was put and carried.

Clause 36.

(Mr. Speaker resumed the Chair.)

MR. SPEAKER :—'' The motion is—

' that clause 36 do stand part of the Bill.' ''

SRI V. R. KRISHNA AYYAR :—'' Sir, I move the amendment standing in my name—

' *After sub-clause* (3) insert *the following Explanation* :—

'' *Explanation* : *Value of debts or other claims due to a partnership shall be the actual value if auctioned publicly.*'' ' ''

The amendment was duly seconded.

MR. SPEAKER :—'' Amendment moved—

' After sub-clause (3), *insert* the following Explanation :—

'' *Explanation.*—Value of debts or other claims due to a partnership shall be the actual value if auctioned publicly.'

'' As there is no other amendment, the hon. Member Sri Krishna Ayyar can speak on his amendment.'' ' ''

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SRI V. R. KRISHNA AYYAR :—" Sir, the clause itself deals with dissolution of partnership. Oftentimes, one of the items of asset of a partnership may be outstandings due to the partnership and there may be bad debts. Some of the book debts may not have any value at all if auctioned. They may be irrecoverable. Their face value should not be treated as the value in computing the plaintiff's share. It may be said that value means actual value and not necessarily face value. But to make it clear, I have stated ' the value of debts or other claims due to a partnership shall be the actual value if auctioned publicly '. Generally a Receiver is appointed and he auctions and what is recovered is distributed. I have made the position clear lest there should be any misapprehension in the payment of court-fee. Suppose there is a debt of Rs. 10,000 due to a partnership and court-fee is recovered on that. Ultimately it will be found that the man may be a pauper and nothing can be recovered from him. That is why I say that it should not be computed on the face value."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I cannot understand the meaning of the amendment. If the outstandings are to be auctioned, when is the auction to be held, when is the valuation to be made and when is the decree to be passed? It will lead to all sorts of complications. I am sorry I am unable to accept this amendment."

The amendment of the hon. Member Sri V. R. Krishna Ayyar was, by leave of the House, withdrawn.

MR. SPEAKER :—" The question is—

' that clause 36 do stand part of the Bill.' "

The motion was carried.

Clause 37.

MR. SPEAKER :—" The motion is—

' That clause 37 do stand part of the Bill.'

There are a number of amendments to this clause. The hon. Members who have given notice of amendments to this clause may move their amendments."

SRI P. K. GOPALAKRISHNAN :—" Sir, I move amendments Nos. 135 to 139—

' Omit *sub-clause* (1).

In sub-clause (2), *line* 3, after *the words* " *joint possession of property* ", insert *the words* " *or who has been excluded from possession of such property* ".

In sub-clause (2), *item* (*i*), for *the word* " *thirty* ", substitute *the word* " *fifteen* ".

Omit *the words* " *on half the market value of his share of* " *occurring in sub-clause* (3).

In sub-clause (3), *line* 5, for *the words* " *according as* ", substitute the *word* " *whether* ".' "

The amendments were duly seconded.

Sri N. MOUNAGURUSWAMI NAIDU :—" Sir, I move amendments Nos. 232 to 236 :

' *In sub-clause* (1), after " *by a plaintiff who,*" insert " *is in joint possession or who* ".

Omit *sub-clause* (2).

Renumber *sub-clause* (3) *into sub-clause* (2) *and* omit " *or sub-section* (2) ".

In sub-clause (3) omit " *half* " *and* " *at half the rates . . . or is in joint possession* ".

Renumber *sub-clause* (4) *as sub-clause* (3) *and* omit " *or sub-section* (2) ". ' "

All the amendments were duly seconded.

Sri M. NARAYANA KURUP :—" Sir, I move—

' For *the existing rates of fees under sub-clause* (2), substitute *the following* :—

" *When a plaint is presented to*—

(i) a District Munsif's Court ..	*Rupees thirty.*
(ii) the City Civil Court, Madras or a Sub-Court or a District Court.	*Rupees thirty if the value of plaintiff's share is Rs. 5,000 or less.*
	Rupees hundred if the value is above Rs. 5,000 but below Rs. 10,000; and
	Rupees two hundred if the value is above Rs. 10,000.
(iii) the High Court	*Rupees three hundred.*" ' "

The amendment was duly seconded.

Mr. SPEAKER :—" The hon. Member Sri Gopala Gounder is not in his place. His amendment is not moved."

Sri Y. MANJAYYA SHETTY :—" Sir, I am not moving the amendment standing in my name, viz., No. 102."

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SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, I move amendments Nos. 54 to 56 standing in my name :—

'*In sub-clause* (3), *for the words* " *the defendant* " *occurring in line* 2, substitute *the words* " *a defendant* ".

In sub-clause (3), *for the words* " *on the written* " *occurring in line* 3, substitute *the words* " *on his written statement* ".

In sub-clause (3), *line* 5, *for the words* " *as the defendant* ", substitute *the words* " *as such defendant* ". ' "

The amendments were duly seconded.

MR. SPEAKER :—" The clause and the amendments are before the House."

* SRI M. NARAYANA KURUP :—" Sir, I believe that my amendment will be acceptable to the Government. It does not introduce any radical change except a slight modification of introducing one more slab. The clause relates to partition suits and of course they include a large class of suits. Where the defendant claims partition and separate possession of his share of the property, he must pay court-fees computed on half the market value of his share. First of all, we must understand that the fee is not computed on the basis of the courts in which they are instituted. When the plaint is presented in a District Munsif's Court, the fee is Rs. 30. The pecuniary jurisdiction of a Munsif's Court is Rs. 3,000 now. In the other cases, that is, when the plaint is presented to a Sub-Court or District Court, if the value is Rs. 5,000 or less, the court-fee payable is only Rs. 30. If the value is above Rs. 5,000, then there is a sudden jump to Rs. 200. I want a new slab to be added, viz., if the value is above Rs. 5,000 and below Rs. 10,000, then the court-fee payable must be Rs. 100. This will be helpful in a large number of cases. I would not have brought this amendment based on courts, but looking into the clause, I find that there is no logic in the classification made. My amendment is an equitable one. If it is not accepted, the rise will be very steep. I hope the Hon. the Finance Minister will find it possible to accept it."

* SRI C. H. KANARAN :—" മിസ്റ്റർ സ്പീക്കർ, സർ, ബഹുമാനപ്പെട്ട മെമ്പർ ശ്രീ പി. കെ. ഗോപാലകൃഷ്ണൻ അവതരിപ്പിച്ചിട്ടുള്ള എല്ലാ ഭേദഗതികളേയും ഞാൻ പിൻതാങ്ങുന്നു. ഈ സന്ദർഭത്തിൽ നാലു പ്രധാന കാര്യങ്ങളാണ് എനിക്കു പറയാനുള്ളത്: ഒന്നാമത് കൂട്ടുകൈവശമായാലും അല്ലെങ്കിലും ഒരു പ്രത്യേകത കല്പിക്കേണ്ട ആവശ്യമില്ല. സാധാരണഗതിയിൽ സ്വത്തവകാശത്തെമാത്രം കണക്കിലെടുത്തുകൊണ്ട് ഫീസ്സ് ചുമത്തുകയെന്നല്ലാതെ ഇവിടെ കല്പിച്ചിരിക്കുന്നമാതിരി കൂട്ടവകാശത്തെ സംബന്ധിച്ചിടത്തോളം ഒരു പ്രത്യേക വ്യവസ്ഥ ആവശ്യമില്ല. രണ്ടാമത് പ്രതികൾ അവകാശം പുറപ്പെടുവിക്കുമ്പോൾ അവരിൽനിന്നും ഫീസ്സ് ഈടാക്കണമെന്നു പറയുന്നതും ശരിയല്ല. സ്വത്തിന്റെ ആകെ വില ആദ്യമേ കണക്കാക്കി ഫീസ്സ് ഈടാക്കുന്നുണ്ട്. അതുകൊണ്ട് രണ്ടാമതും പ്രതികളിൽനിന്നുകൂടി ഫീസ്സ് വസൂൽ ചെയ്യുന്നതു ശരിയല്ല. മൂന്നാമത് ഒരാൾക്കു അവകാശപ്പെട്ട ഓഹരിയുടെ മാർക്കറ്റുവില കണക്കാക്കി ഫീസ് ഈടാക്കണമെന്നുള്ളതും സ്വീകാര്യമായ ഒരു സമ്പ്രദായമല്ല. തുകയ്ക്കു ഒരു ക്ലിപ്തമുണ്ടായിരിക്കണം. നാലാമത് കുറഞ്ഞ ഫീസ്സ് 30 ക. എന്നു വച്ചിരിക്കുന്നതു ചെറിയ കുടുംബ

ങ്ങളിലെ ആളുകൾക്ക് വലിയ ബുദ്ധിമുട്ടിന്ന കാരണമാകും. വലിയ വലിയ കുടുംബങ്ങളിൽ തർക്കമുണ്ടായാൽ മദ്ധ്യസ്ഥന്മാർമുഖേന ഒത്തുതീർപ്പിലെത്തി ഭാഗം നടത്തുകയാണ് പതിവ്. ചെറിയ കുടുംബങ്ങളിലെ ആളുകളാണ് അധികവും കോടതിൽപോയി ഭാഗം കഴിക്കുന്നത്. വെറും ആയിരമോ രണ്ടായിരമോ ഉറുപ്പിക വിലവരുന്ന സ്വത്തുക്കൾ മാത്രമുള്ള കുടുംബങ്ങളുണ്ട്. അവ ഭാഗിക്കുന്നതിന്ന ഒരു ഹരജി കൊടുക്കാൻ 30 ക. വേണമെന്നുവന്നാൽ സാധുക്കളായ ആളുകൾ വളരെ ബുദ്ധിമുട്ടും. ഈ നാലു കാരണങ്ങളാലുമാണ് ശ്രീ പി. കെ. ഗോപാലകൃഷ്ണൻെറ ഭേദഗതികളെ ഞാൻ പിൻതാങ്ങുന്നത്. ഈ ഭേദഗതികൾ ഗവർമ്മേണ്ട് സ്വീകരിക്കുമെന്ന് വിശ്വസിക്കുന്നു.''

10-40 a.m. * SRI P. K. GOPALAKRISHNAN :—" Sir, in partition of family properties, there is a social problem also involved. The partition of big family properties is a progressive step and I think the Government should extend all help in the matter of partitioning of big family properties. For that, the court-fee payable must be reduced. At present, the fee levied for partition, if a suit is filed in the District Munsif's Court, is Rs. 15. But this has been raised to Rs. 30 as per the provisions contained in sub-clause (2) of clause 37. A defendant who claims partition and separate possession is also asked as per the provisions of sub-clause 3 of clause 37 to pay a court-fee computed on half the market value of his share. This provision is also unwarranted. Sir, I request that the amendments I have given notice of to this clause may be accepted."

SRI V. R. KRISHNA AYYAR :—" Sir, I was just suggesting a verbal amendment to the Hon. the Minister for Law. In Article 17-B to Schedule II of the existing Act, there are two categories for partition, one relating to partitioning of joint family properties where the plaintiff is in joint possession of the properties and the other relating to cases where the plaintiff is not in joint possession of all or any of the common properties. The language used in clause 37 (1) is as follows : ' In a suit . . . by a plaintiff who has been excluded from possession of such property . . .' I should like to ask whether it would not be advisable to bring the meaning of this clause more clearly by saying ' In a suit . . . by a plaintiff who is not in joint possession . . .' We must make the meaning clear by saying that the man who is not in joint possession is excluded. Exclusion means wilful exclusion or deliberate exclusion. Suppose a man goes to Singapore and he may not have received any profits at all. In such cases, this provision should not be applied.

" In support of the amendment moved by hon. Member Sri M. Narayana Kurup, I wish to state that under Artcle 17-A to Schedule II of the existing Act, the fee charged is Rs. 100 if the value is less than Rs. 10,000 and Rs. 500 if such value is ten thousand rupees or upwards. I have no objection to have another slab."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I am accepting all the amendments (Nos. 54, 55 and 56) moved by hon. Member Sri P. S. Krishnaswami Ayyangar. Therefore there is no need for him to speak on the amendments.

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" In dealing with this clause, we have to take into consideration the fact that the pecuniary jurisdiction of the District Munsif's Court at present is Rs. 3,000. The Government are now intending to bring forward a Bill to incrase it to Rs. 5,000 and when this Bill is given effect to, it would really mean that the Court-fee charged up to Rs. 5,000 would be Rs. 30, if a case is instituted in a District Munsif's Court and the Court-fee charged would be Rs. 200 if a case is instituted in a Sub-Court. That is why it is necessary to have item (ii) of sub-clause (2) as it is. The City Civil Court at Madras is at present exercising the jurisdiction of the District Munsif's Court also. There are certain Sub-Courts which exercise the jurisdiction of the District Munsif's Court also. The Sub-Court at the Nilgiris is one such. That is why, it has been stated in item (ii) of sub-clause (2) as follows :

' (ii) The City Civil Court, Madras, or a Sub-Court or a District Court.	Rupees thirty if the value of the plaintiff's share is Rs. 5,000 or less and Rs. 200 if it is above 5,000. '

" If the hon. Member wants another slab for suits if the value is above Rs. 5,000, I have no objection to having one and Rs. 500 or Rs. 300 may be charged as the court-fee."

* SRI N. MOUNAGURUSWAMI NAIDU :—" According to sub-clause (3) a defendant who claims partition has got to pay a fee which shall be computed on half the market value of his share. On the other hand, Sir, the plaintiff, according to this clause has got to pay the court-fee computed on the full market value of his share. I wish to know why this kind of distinction is made between the plaintiff and the defendant."

* SRI M. NARAYANA KURUP :—" Sir, we are only bargaining for lessening the hardships caused to poor people. We all know that the Hon. Minister will be glad to accept any proposal which would fetch a higher income to the Government. But my point is this. The Hon. the Minister was saying that he was bringing forward a Bill to extend the pecuniary jurisdiction of the District Munsif Courts to Rs. 5,000. Suppose, Sir, some time hence the Hon. Minister brings forward another measure extending the jurisdiction of the District Munsif Courts from Rs. 5,000 to Rs. 6,000. In that case, even when the jurisdiction is extended to Rs. 6,000, the court-fee payable will still be only Rs. 30 . . ."

THE HON. SRI C. SUBRAMANIAM :—" In that case, I will bring an amending Bill to the present measure also."

* SRI M. NARAYANA KURUP :—" Sir, I am only arguing a hypothetical case. I can say that the amendment I have given notice of is a reasonable one and it is for the Hon. Minister to accept it."

* SRI Y. MANJAYA SHETTY :—" The Hon. Minister stated that the pecuniary jurisdiction of the District Munsif's Courts would be increased to Rs. 5,000. I wish to know whether this would be done soon after this Bill is passed into law."

SRI V. R. KRISHNA AYYAR :—" I wish to say only one word, Sir, for consideration by the Hon. the Minister for Finance. At present, a fee of Rs. 100 is charged if the value for purposes of jurisdiction is less than Rs. 10,000. I would suggest, Sir, that if the value for purposes of jurisdiction is between Rs. 5,000 and Rs. 10,000, a fee of Rs. 100 may be levied, and, if the Hon. Minister wants, that for suits whose value is above Rs. 10,000 and for suits filed in the High Court the Government can levy a fee of Rs. 300."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I do not think I can accept the suggestion of the hon. Member. The hon. Member is aware of the fact that we intend to increase the jurisdiction of the City Civil Court from Rs. 10,000 to Rs. 50,000. That means, Sir, suits whose value is over Rs. 50,000 can be filed in the High Court. If the suggestion of the hon. Member is that for suits whose value is over Rs 10,000 only Rs. 300 can be levied as court-fee only Rs. 300 can be levied for all suits filed in the High Court. Therefore, I would rather be prepared to accept the amendment moved by hon. Member Sri M. Narayana Kurup."

10-50 a.m. The amendments of Sri P. K. Gopalakrishnan (Nos. 135 to 139) were put and lost.

The amendments of Sri Mounaguruswami Naidu (Nos. 233, 234, 235 and 236, were by leave of the House, withdrawn.

MR. SPEAKER :—" The question is—

For the existing rates of fees under sub-clause (2), *substitute* the following :—

' When the plaint is presented to—

(i) a District Munsif's Court ..	Rupees thirty.
(ii) the City Civil Court, Madras, or a Sub-Court or a District Court ;	Rupees thirty if the value of plaintiff's share is Rs. 5,000 or less ; Rupees hundred if the value is above Rs. 5,000 but below Rs. 10,000 ; and Rupees two hundred if the value is above Rs. 10,000.
(iii) the High Court	Rupees three hundred." ' "

* THE HON. SRI C. SUBRAMANIAM :—" I am accepting this amendment. But it requires a slight verbal change. I therefore move—

' *In item three of section (ii) of the above amendment, for the words " above Rs.* 10,000 ", substitute *the words " Rs.* 10,000 *and above* ".'

Because, as it is, it does not cover where the value is Rs. 10,000."

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MR. SPEAKER :—" The question is—

' In item three of section (ii) of the above amendment, *for* the words " above Rs. 10,000 ", *substitute* the words " Rs. 10,000 and above ".' "

The motion was carried.

MR. SPEAKER :—" I will now put the amendment of Sri Kurup as amended by the Government amendment. The question is—

' *For* the existing rates of fees under sub-clause (2), *substitute* the following :—

" When the plaint is presented to—

(i) a District Munsif's Court ..	Rupees thirty.
(ii) the City Civil Court, Madras, or a Sub-Court or a District Court.	Rupees thirty if the value of plaintiff's share is Rs. 5,000 or less. Rupees hundred if the value is above Rs. 5,000 but below Rs. 10,000; and Rupees two hundred if the value is Rs. 10,000 and above.
(iii) the High Court	Rupees three hundred " .' "

The amendment was carried.

MR. SPEAKER :—" The question is—

' In sub-clause (3), *for* the words " the defendant " occurring in line 2, *substitute* the words " a defendant ".

In sub-clause (3), *for* the words " on the written " occurring in line 3, *substitute* the words " on his written statement ".

and

In sub-clause (3), line 5, *for* the words " as the defendant ". *substitute* the words " as such defendant ".' "

The amendments were carried.

Clause 37, as amended, was put and carried.

Clause 38.

MR. SPEAKER :—" The motion is—

' That clause 38 stands part of the Bill.' "

SRI P. S. KRISHNASWAMY AYYANGAR :—" I move amendments 57 to 59—

' *In line 2, omit the words* " *a share of* ".

In line 4, omit the word " *plaintiff's* ".

Add *at the end of the clause the words* " *which the plaintiff would claim if he brought a suit for partition under sub-section* (1) *of section* 37 ". ' "

SRI M. JAGANNATHAN :—" I second the amendments, Sir."

SRI P. K. GOPALAKRISHNAN :—" I move—

' For *the words* " *on the market value of the plaintiff's share* ", substitute the words " *at the rates specified in sub-section* (2) *of section* 37 ".' "

SRI C. H. KANARAN :—" I second the amendment, Sir."

MR. SPEAKER :—" The clause and the amendments are before the House for discussion."

* SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, here what is referred to in clause 38 is suits for joint possession in case of co-parceners. It cannot be predicted at any moment what share a particular member possesses in a joint family property, until a division of status has been brought about and it cannot be said that a particular co-parcener possesses such and such definite share. That can be done only after a divided status comes into existence. Until then, we cannot say that he possesses a 1/4th share or half share and all that. Therefore, when a co-parcener sues for joint possession, it should be a suit for joint possession of the entire joint family property and not a share of the property alone. Unless he sues for partition, he cannot say ' I am entitled to one-tenth share ' and all that. There may be two co-parceners. One of them may be a stout man and the other co-parcener may be a sickly fellow, eating not even one-hundredth of the income of the joint family and the stout man may be consuming almost the entire income of the joint family property. On that account he is not bound to compensate the sickly man who uses only a very small portion of the property. And we cannot say that a co-parcener when he sues for joint possession shall have joint possession of the share alone, since his share cannot be predicated or ascertained till he files a suit for partition. Therefore, there is no such thing here as a co-parcener filing a suit for joint possession of a share. Therefore, I seek to remove the expressions ' a share of '.

" Secondly, the last portion of the clause says ' on the market value of the plaintiff's share '. Inasmuch as the plaintiff does not sue for partition, there is no such thing as plaintiff's share. Therefore, I seek to remove the word plaintiff's.

" Lastly, till there has been a partition, it cannot be said that a particular co-parcener has a definite share in the property and

we cannot also specifically say what his share is. So, to avoid such difficulties, I have moved my third amedment. Those who are experts in Hindu Law may know this point."

THE HON. SRI C. SUBRAMANIAM :—" I propose to accept these amendments, Sir."

* SRI P. K. GOPALAKRISHNAN :—" Sir, I feel that court-fee should be on a computed basis rather than on the basis of share and premises for that has been already argued by the hon. Gentleman, Sri Krishnaswamy Ayyangar. I hope the Government would consider my amendment."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I am accepting amendment No. 57 of Sri Krishnaswamy Ayyangar alone, that is deletion of the words ' a share of '. All the other things are unnecessary. If a suit is filed for joint possession of a joint family property, it will be based on the plaintiff's share and on what he would be entitled to in the property. Therefore, any other amendment need not be considered."

MR. SPEAKER :—" The question is—

' *For* the words " on the market value of the plantiff's share ", *substitute* the words " at the rates specified in sub-section (2) of section 37 ".' "

The amendment was lost.

MR. SPEAKER :—" The question is—

' In line 2, *omit* the words " a share of ".' "

The motion was carried.

The other amendments of Sri Krishnaswamy Ayyangar (Nos. 58 and 59) were, by leave of the House, withdrawn.

Clause 38, as amended, was put and carried.

Clause 39.

MR. SPEAKER :—" The motion is—

' That clause 39 stands part of the Bill '."

SRI P. K. GOPALAKRISHNAN :—" Sir, I move—

' Omit *sub-clauses* (2) *and* (3).

In sub-clause (4), omit *the words "or by a defendant under sub-section* (2) *or sub-section* (3) ".' "

SRI C. H. KANARAN :—" I second the amendments, Sir."

THE HON. SRI C. SUBRAMANIAM :—" I am opposing the amendments, Sir."

MR. SPEAKER :—" The question is—

' *Omit* sub-clauses (2) and (3) '."

The amendment was lost.

MR. SPEAKER :—" The question is—

' In sub-clause (4), *omit* the words " or by a defendant under sub-section (2) or sub-section (3) ".' "

The amendment was lost.

Clause 39 was put and carried.

Clause 40.

MR. SPEAKER :—" There is no amendment to clause 40. I shall put it to the vote of the House. The question is—

' That clause 40 do stand part of the Bill '."

The motion was carried.

Clause 41.

MR. SPEAKER :—" We shall now take up clause 41."

* SRI P. S. KRISHNASWAMY AYYANGAR :—" Before clause 41 is taken, I want to make a suggestion, Sir. I have sought to introduce a new clause, clause 50-A, that is amendment No. 74. In a number of amendments in the intervening clauses, I refer to this new clause 50-A"

(The Member, after some consultation, did not press his point and clause 41 was taken up.)

11 a.m. * SRI S. RAMALINGAM.:—" கனம் சபா நாயகர் அவர்களே, தவறான ஒரு செய்தியின்மேல் ஒருவருடைய வீட்டையோ அல்லது சொத்தையோ அட்டாச் செய்துவிட்டால், மறுபடியும் அந்த அட்டாச்மெண்டை ரத்து செய்ய வேண்டுமென்று கோர்ட்டில் மனு செய்து கொள்ளவேண்டுமென்று விரும்பினால் அவர் தன்னுடைய சொத்தின் மார்க்கெட் வால்யூவில் நாலில் ஒரு பங்கு கட்ட வேண்டும் இல்லாவிடில் 400 ரூபாய் கட்டாயமாக கட்ட வேண்டுமென்று சொல்வது சரியல்ல. இப்பொழுது இருக்கிறபடியே 15 ரூபாய் கட்டினால் போதும் என்று செய்துவிட்டால் நல்லது என்பதே என்னுடைய அபிப்பிராயம். ஏனென்றால் பெரும்பாலும் சொத்துக்காரருக்குத் தெரியாமலேயே அட்டாச்மெண்டு கொண்டு வந்துவிடமுடியும். உதாரணமாக எனக்கு ஒரு வீடு இருக்கிறது. என்னுடைய தம்பிக்கு ஒருவர் கடன் நிறையக் கொடுத்துவிட்டு அந்தக் கடனுக்காக எனக்கே தெரியாமல் என்னுடைய வீட்டின் பேரில் அட்டாச்மெண்ட்டு கொண்டு வந்துவிடமுடியும். அதாவது என்னுடைய வீட்டை அவருடைய கடனுக்காக ஜப்தி செய்ய கோர்ட் அட்டாச்மெண்டு வாங்கி வந்துவிடமுடியும். என் வீட்டுக்கும் என் தம்பிக்கும் கொஞ்சம்கூட சம்பந்தம் இல்லாமலேயே இருக்கலாம். என் வீட்டுக்கும் என் தம்பிக்கும் சம்பந்தம் இல்லை, ஆகவே கோர்ட் அட்டாச்மெண்டு கொண்டு வந்ததை ரத்து செய்ய வேண்டுமென்று நான் கோர்ட்டுக்குப் போக வேண்டுமென்றால் இந்த ஷரத்துப்படி என் வீட்டின் மொத்த மதிப்பில் நாலில் ஒரு பங்கை, கோர்ட் தொகையாகக் கட்ட வேண்டுமென்று சொன்னால் அது நியாயமாகாது. இப்பொழுதுள்ளபடி 15 ரூபாய் கட்டினால் போதும் என்றே செய்துவிட்டால் அது ரொம்ப நியாயமாக இருக்கும். ஆகவே அதற்குத் தக்க வகையில் சர்க்காரே ஒரு திருத்தம் கொண்டு வந்தால் கூட நலமாக இருக்குமென்று நான் வற்புறுத்திக்கூற விரும்புகிறேன்."

MR. SPEAKER :—" The hon. Member Sri Krishnaswamy Ayyangar wants to take up clause 50-A. He seeks to introduce a new clause 50-A."

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* SRI P. S. KRISHNASWAMY AYYANGAR :—" I have a new clause 50-A . . ."

THE HON. SRI C. SUBRAMANIAM :—" Clause 50-A need not be considered along with this clause because this is a specific clause relating to suits to set aside attachments, etc. Therefore, that may be taken up separately. Let us now consider clause 41 and then take up clause 50-A if necessary."

MR. SPEAKER :—" Soon after clause 41, clause 50-A will be taken up."

* SRI P. S. KRISHNASWAMY AYYANGAR :—" I have suggested certain improvements to this clause and therefore I referred to clause 51. I want to give No. 51 to this clause and re-number the subsequent clauses. But in the process of editing they have given No. 50-A to this. In amendment No. 64, I say ' In sub-clause (2) for the figures " 50 " substitute the figures " 51 ", i.e., 50-A for the figure 50 '. They may say that clause 50 covers suits of the sort that I seek to have in clause 50-A. Clause 50 prescribes the fee payable where the subject-matter has got a value of so much. It does not refer to properties which are not capable of valuation, as are intended under clause 50-A."

* THE HON. SRI C. SUBRAMANIAM :—" The amendment of the hon. Member Sri Krishnaswami Ayyangar (No. 64) need not be moved now. If in case clause 50-A is accepted, then we can come back to the hon. Member's amendment (No. 64). Meanwhile clause 41 may be considered."

MR. SPEAKER :—" The question is—

' That clause 41 do stand part of the Bill.'."

SRI N. MOUNAGURUSWAMI NAIDU :—" I beg to move—

' *In sub-clause* (1), omit " *of any interest in revenue* " *occurring in line* 3.

In sub-clause (1), *in line* 5, after " *attachment* ", insert " *in a suit to set aside any summary decision or order of a Civil or Revenue Court* ".

In sub-clause (1) for "*shall be computed . . . whichever is less* " substitute " *shall be payable at the rates specified in section* 50 ".' "

The amendments (238 to 240) were duly seconded.

SRI P. K. GOPALAKRISHNAN :—" I beg to move—

' *In sub-clause* (1), *line* 5, after *the words* " *computed on* " *insert the word* " *half* ".

For *the word* " *one-fourth* " substitute *the word* " *one-eighth* " [*sub-clause* (1)].

In sub-clause (2), for *the word* " *one-fourth* ", substitute *the word* "*one-eighth* ".' "

The amendments (Nos. 143, 144 and 145) were duly seconded.

MR. SPEAKER :—" The motion as well as the amendments are now before the House for discussion.

" Sri Krishnaswamy Ayyangar is not moving any of the amendments (Nos. 60, 61, 62 and 63). Amendment No. 64 will be taken up later."

* SRI P. K. GOPALAKRISHNAN :—" As stated by the hon. Member Sri Ramalingam, on certain occasions attachment may take place even without the knowledge of the party concerned. Because, there may be *ex parte* decrees made even without summons being served. These things were discussed when we were on the Demand of administration of justice. In such cases if the party who sues to set aside the attachment is asked to pay court-fee on the amount for which the attachment is made or on one-fourth of the market value of the property which was attached, that is really too high. My amendment seeks to reduce the court-fee to half of what is stated in the clause. I hope the Government will consider the issue."

* SRI MOUNAGURUSWAMI NAIDU :—" My first amendment is a very simple amendment. We find the words in line 3 of clause 41 ' of any interest in revenue '. They do not convey any meaning or sense. It may safely be omitted. That is my first amendment.

" My second amendment is, in sub-clause (1), in line 5, after ' attachment ' insert ' in a suit to set aside any summary decision or order of a Civil or Revenue Court.' That is amplifying the meaning implied in the clause.

" My third amendment is, in sub-clause (1) for ' shall be computed . . . whichever is less ', substitute ' shall be payable at the rates specified in section 50', i.e., at a fixed rate. These amendments may be accepted."

11-10 a.m. SRI T. C. NARAYANAN NAMBIAR :—" My hon. Friend Sri Gopalakrishnan gave some examples. I just want to give one more example to show that this provision will be a harsh one. In a joint family, that is, in a tarwad in Malabar, the karnavan, that is, the manager may have some debts. The money would have been used for his personal purposes. The properties would have been taken in the name of his wife and others. When an attachment is made on a tarwad property and when the nephew wants to set aside the attachment, he will have to pay one-fourth of the market value of the property. To meet such cases the amendment of my hon. Friend Sri Gopalakrishnan may be accepted."

* THE HON. SRI C. SUBRAMANIAM :—" I am sorry the hon. Member Sri Narayanan Nambiar tried to enter the field as far as the discussion on this clause is concerned. The example cited by him has absolutely no bearing on the clause here. It is with reference to the binding nature of a debt incurred by a manager of a joint family in Malabar. That has absolutely no application whatsoever here. This is a case where a certain property is

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attached in execution of a decree alleging that it belongs to the judgment-debtor. Then, a third party intervenes saying that this property does not belong to the judgment-debtor and that it belongs only to him. Then, there is a summary decision of the court with regard to the fact whether it belongs to the judgment-debtor or to the third person claiming interest in the property. This is only a summary order. Then, it is open to the party to go to a Court of Law in a regular suit for the purpose of establishing its right either with reference to the judgment-debtor or the claimant. There is no question of any *ex parte* decree. All that is quite irrelevant for the purpose of this suit. Here a third person comes and claims the property. As against that summary order, a right of suit is provided for. In respect of such suits, what is the court-fee payable? That is what is provided for here. This was very elaborately discussed in the Select Committee. Very eminent lawyers participated. After a good deal of discussion, this compromise formula has been arrived at. I do not think that there is any need to change it.

" As far as the phrase ' of any interest in revenue ' is concerned, it may be a little bit anomalous now. But it is found in the Act of 1870. To be on the safe side, I want to retain it."

The amendments of Sri Mounaguruswami Naidu were, by leave, withdrawn.

The amendments of Sri Gopalakrishnan were put and lost.

* SRI P. S. KRISHNASWAMY AYYANGAR :—" On the understanding that we come back to this clause if my amendment proposing a new clause is accepted, I support this clause."

Clause 41 was put and carried.

Clause 42.

MR. SPEAKER :—" The motion is—

' That clause 42 do stand part of the Bill.' "

SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, I move the following amendments :—

' *In item* (*c*), for *the word* " *during* " *occurring in the last line*, substitute *the word* " *for* ".

In item (*d*), omit *the words* " *on the amount of the consideration or as the case may be* ".

Add *at the end of item* (*d*) *the words* " *whether such property consists wholly of money, or partly of money and partly of other property or wholly of property other than money* ".' "

The amendments were duly seconded.

MR. SPEAKER :—" The clause as well as the amendments thereto are before the House for discussion."

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* SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, sub-clause (*c*) reads—

'In the case of a contract of lease, computed on the aggregate amount of the fine or premium, if any, and of the rent agreed to be paid during the first year of the term.'

For the word ' during ' I want that the word ' for ' be substituted. There may be rent agreed to be paid during the first year or the rent may be payable under the contract at the beginning of the second year. There may be nothing payable during the first year. Therefore, the rent payable, even though it may be in the second year, should be the rent payable for the first year. Therefore, the proper thing would be to substitute ' for ' for the word ' during '.

" Secondly, sub-clause (*d*) reads—

'in the case of a contract of exchange, computed on the amount of the consideration, or as the case may be, on the market value of the property sought to be got in exchange.'

In the case of an exchange, one may sue for money which forms part of the property to be got in exchange. Property to be got in exchange may be partly money and partly property other than money. Or, it may be entirely some property other than money. Or, it may be entirely money. When will it be entirely money? For instance, I have got some Japanese currency notes and I want some Indian currency notes in exchange. There is a contract for that purpose. The promissor has not fulfilled the contract. I file a suit for the recovery of the Indian currency notes. That is the consideration. Therefore, it would be entirely money in exchange for money that I part with. In another case for some property that I part with, I may get some other property which is not money. I have got a house and I want to get in exchange for it a land. Here I part with the house and I want to get the land which has been stipulated to be given over to me in exchange. There, the entire property that I seek to recover is not money at all. It is something other than money. On the other hand, the contract may be for me to part with my house and to get in exchange some money, say, Rs. 1,000 and another land. That is, the consideration will consist of money as well as property which is not money. Here, as the clause stands, it may appear that the entire consideration can be money alone and never partly money and partly other property. To have that defect rectified, I suggest the amendment to delete the words ' on the amount of the consideration or as the case may be '. The expression ' on the amount of the consideration' would mean that the entire consideration would be money. If the entire consideration is money, then it would be a sort of sale and it will not come under exchange. Therefore, I want through my amendment, to delete those words and to add at the end of sub-clause (d) the words ' whether such property consists wholly of money, or partly of money and partly of other property or wholly of property other than money.' In exchange for the property that I have parted with, I may desire to get entirely Indian currency notes, that is, wholly money, or I may get some Indian currency notes and some property other than money."

THE HON. SRI C. SUBRAMANIAM :—" I have been appealing to the hon. Member Sri Krishnaswamy Ayyangar that he need not be so elaborate when discussing clauses. He need not go on giving illustrations and then repeating them. I am good enough to grasp the point."

SRI P. S. KRISHNASWAMY AYYANGAR :—" For one fault of mine I may be excused. That has been my habit. It has become my second nature. Therefore, please bear with me."

SRI P. RANGASWAMI REDDIAR :—" Sir, sub-clause (*c*) of clause 42 is not happily worded. Sub-clause (*c*) reads—

'in the case of a contract of lease, computed on the aggregate amount or the time or, premium, if any, and of the rent agreed to be paid during the first year of the term.'

The amendment of the hon. Member Sri Krishnaswamy Ayyangar does not clarify the point. I think it would be better to substitute the words ' and of the rent or average annual rent agreed to be paid ' for the words ' and of the rent agreed to be paid '. In certain cases the period for payment may be one year. In certain other cases it may be five or six years. A Court may order the payment of a fine or premium and in consideration of that fine or premium, for the first year it may not fix any rent to be paid. From the second year onwards, the amount may be ordered to be paid. In such cases the average annual rent may be taken into consideration along with the premium."

* SRI M. NARAYANA KURUP :—" The point made by the hon. Member Sri Krishnaswamy Ayyangar was that there might be rent for the year but that it might be payable two years hence. But there may be cases where there may not be any provision for payment for the first year at all.

" Suppose the rent is to be paid from the third year onwards. 11-20 a.m.
This difficulty was pointed out by the previous speaker and it still remains even after accepting the amendment of Mr. Krishnaswami Ayyangar."

* SRI K. PARTHASARATHY :—" In respect of sub-clause (*c*) there is always that difficulty. In respect of clause 43 also, that difficulty was felt and that was why in the Select Committee there was an elaborate discussion on that point and it was decided in relation thereto that the words " payable for the year next before the date of presenting the plaint " should be there. Some such similar wording may be adopted here also. Acceptance of Mr. Krishnaswami Ayyangar's amendment will not be able to solve the difficulty."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I am inclined to agree with Mr. Rangaswami Reddiar. If the words ' average annual rent ' are there, I think that will make the position all right. So, I move—

' that in sub-clause (c), line 2, between the words " and of the " and " rent ", the words " average of the annual " be inserted and omit the words " during the first year of the term, in line 3 ".' "

MR. SPEAKER :—" I shall put the amendments to vote."

SRI P. S. KRISHNASWAMY AYYANGAR :—" I withdraw my amendments."

The amendments were by leave of the House withdrawn.

MR. SPEAKER :—" The question is—

' that in sub-clause (*c*), line 2, between the words " and of the " and " rent ", the words " average of the annual " be inserted and *omit* the words " during the first year of the term, in line 3 ".' "

The amendment was put and carried.

Clause 42 as amended was put and carried.

Clause 43.

SRI V. R. KRISHNA AYYAR : :—" Sir, I move—

' *In sub-clause* (1), *after item* (*e*) insert *the following item* :—

" (*f*) *for restoration of possession by a tenant against a landlord under the Malabar Tenancy Act*, 1930." ' "

The amendment was duly seconded.

SRI M. NARAYANA KURUP :—" Sir, I move—

' *In sub-clause* (2), after *the word* " *premium* " insert *the words* " *which does not include advance rent* ".

After *sub-clause* (2) *and* before *Explanation*, insert *the following proviso* :—

" *Provided that where the plaintiff seeks to set off the amount due by him towards the arrears of rent due to him, fee shall be levied only on the balance claimed.*" ' "

The amendment was duly seconded.

SRI P. S. KRISHNASWAMI AYYANGAR : :—" Sir, I move—

Add *at the end of the clause the following* :—

" Explanation.—*In this section, where the context requires it ' landlord ' and ' tenant ' shall also respectively denote ' landholder ' and ' ryot ' as defined in the Madras Estates Land Act*, 1908 (*Madras Act I of* 1908)." ' "

The amendment was duly seconded.

* SRI M. NARAYANA KURUP :—" Sir, the term ' premium ' is a technical term. In many cases, under the Transfer of Property Act, lawyers argue that ' munpattam '— the Hon. the Minister for Finance knows what ' munpattam ' is"

THE HON. SRI C. SUBRAMANIAM :—" I do not know anything of Malayalam."

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* SRI M. NARAYANA KURUP :—" It means advance rent. I want to make it clear that ' premium ' does not include advance rent because I want to avoid a possible confusion. Clause 34 deals with suits relating to kanams, etc., filed by jenmis. There it is provided that where the plaintiff seeks to set off the kanartham and the value of the improvements due by him to the defendant against arrears of michavaram or rent due to him, fee shall be levied only on the balance claimed. This clause as well as clause 43 now under discussion deals with possession. So, I want the principle underlying clause 34 to be incorporated here also."

SRI V. R. KRISHNA AYYAR :—" Sir, my amendment is simple. In clause 43, there are five items, (*a*) to (*e*) and they deal with suits between landlord and tenant. Landlord and tenant are put in a separate category under the Malabar Tenancy Act and there are certain kinds of suit which are filed under that Act. For instance, a landlord files a suit for eviction of the tenant on the ground of *bona fide* cultivation for himself or for building purposes and recovers possession of the land from the tenant. Subsequently, he forfeits the confidence placed upon him by the Court in that he neither cultivates the land nor constructs any buildings on it. He may lease it to somebody else. In such cases, the tenant has got an equal right to sue the landlord for restoration of possession. He can say in the Court : ' The landlord has not put the land to that use which he said he would. He has not cultivated or constructed any building on it which he pretended to do. So, the land may be restored to my possession.' When this happens restoration of possession takes place and the relationship of landlord and tenant gets revived. Such a provision exists in section 21 of the Malabar Tenancy Act; I do not know the corresponding number of the section in the present Amendment Act, which makes different provisions for verumpattamdars and kuzhikanamdars. This is recovery of occupancy of the land and there should be a specific provision for it in the clause. Therefore, I move my amendment."

* SRI P. S. KRISHNASWAMI AYYANGAR :—" Sir, sub-clause (*a*) of clause 43 refers to delivery by a tenant of the counterpart of a lease or acceptance of patta in exchange for a muchilika. Sir, the exchange of pattas and muchilikas takes place in zamindari areas between the landholder and the ryot. Again in item (*c*), it is stated : ' for the delivery by a landlord of a lease or for obtaining a patta in exchange for a muchilika." Even there the reference is to transactions between a landholder and a ryot. This clause includes also cases of landlords, who are landholders as defined under the Estates Land Act. Therefore I want to add an Explanation at the end of clause 43, viz. :

' *Explanation*.—In this section, where the context requires it " landlord " and " tenants " shall also respectively denote " landholder " as defined in the Madras Estates Land Act, 1908 (Madras Act I of 1908).'

This is the Explanation I want to be added to clause 43."

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* THE HON. SRI C. SUBRAMANIAM :—" Sri P. S. Krishnaswamy Ayyangar's Explanation is quite unnecessary. There is no question of landholder or ryot as such after the abolition of all estates.

" With reference to Sri V. R. Krishna Ayyar's amendment, I am sorry it will not be possible to include it here. It deals with landlord and tenant as defined under the Malabar Tenancy Act. I am sorry he gave notice of that only just now. Therefore it will not be possible to accept it now. It is a separate thing and I will have to examine it. We shall examine it and try to bring in an amendment, if necessary, at a later stage, if we think that the amendment of Sri V. R. Krishna Ayyar is necessary. With reference to the amendment of Mr. Narayana Kurup let me say that this clause does not relate to suits for the recovery of the arrears of rent. It is only in the following suits between landlord and tenant namely :

(*a*) for the delivery by a tenant of the counterpart of a lease or for acceptance of patta in exchange for a muchilika;

(*b*) for enhancement of rent;

(*c*) for delivery by a landlord of a lease or for obtaining a patta in exchange for a muchilika ;

(*d*) for recovering occupancy of immovable property from which a tenant has been illegally ejected by the landlord;

(*e*) for establishing or disproving a right of occupancy.'

fee shall be computed on the amount of rent for the immovable property to which the suit relates, payable for the year next before the date of presenting the plaint. Therefore only suits coming under (*a*), (*b*), (*c*), (*d*) and (*e*) are covered by this clause. Other suits, for instance suits for the recovery of arrears of rent do not come under this clause. Therefore I do not think it will be possible to accept the amendment of Sri M. Narayana Kurup to this clause 43. There is a separate clause, viz., clause 34 which deals with suits relating to kanams under the Malabar Tenancy Act of 1929. Therefore, Sir, I do not think I can accept any of the amendments proposed to clause 43."

* SRI P. S. KRISHNASWAMY AYYANGAR :—" No doubt some zamindaris have been abolished. There are yet inam estates which come under the category of zamins. There may be some suits under the Estates Land Act, so long as there are still some estates remaining. That being so there may be necessity for an explanation as the one I have given notice of. There is no harm in having such an explanation."

THE HON. SRI C. SUBRAMANIAM :—" This has been examined and I have been advised that it is not necessary."

With the permission of the House, the amendment of Sri P. S. Krishnaswamy Ayyangar was withdrawn.

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With the permission of the House, the amendment of Sri M. Narayana Kurup was withdrawn.

Sri V. R. KRISHNA AYYAR :—" I would like to say one word. It is this. Clause 43 contains a sub-clause (*d*) which deals with suits for recovering occupancy of immovable property from which a tenant has been illegally ejected by the landlord. I want that another sub-clause (*f*) may be added after (*e*), viz.,

'(*f*) for restoration of possession by a tenant against the landlord under the Malabar Tenancy Act, 1930.'

Section 21 (1) of the Malabar Tenancy Act (Madras Act XIV of 1930) states :

'In any case in which eviction is obtained on the ground specified in clause (5) of section 20, subject to the provisions of clause 43 (if any one of the six agricultural years following such eviction, the landlord who has obtained such eviction, fails without reasonable excuse to use the major portion of the lands, for the purpose for which such eviction was obtained or transfers any of the lands to any person on any kind of lease or mortgage with possession or kanam, kanam-kuzhikanam, or verumpattam), the tenant shall be entitled to sue for the restoration to him of the possession of all the lands from which he was evicted and to hold them with all the rights and subject to all the liabilities of a tenant.'

But these kinds of suits are not covered by this clause 43. It is not clearly specified what court-fee shall be payable on these suits. That is why I want that the item (*f*) which I have given notice of may be added on after sub-clause (*e*) of clause 43 so that in all such suits the fee shall be levied on the amount of rent for the immovable property to which the suit relates, payable for the year next before the date of presenting the plaint. It is true I am guilty of giving notice of this amendment very late. But I hope I will have the indulgence of the Hon. Minister and that he would accept my amendment. The Hon. Minister has said that he would consider this. I request him that a further consideration may be given and that my amendment may find its way as item (*f*) of clause 43."

* The Hon. Sri C. SUBRAMANIAM :—" As far as what Mr. V. R. Krishna Ayyar has stated, I am informed that necessary provisions have already been made under section 52 (*b*) of the Malabar Tenancy (Amendment) Act which was recently passed. Anyhow I shall have the amendment, given notice of by Sri V. R. Krishna Ayyar examined further. If necessary, we shall bring in an amendment later."

Sri V. R. KRISHNA AYYAR :—" With the assurance given by the Hon. Minister that my amendment would be examined, I am not pressing my amendment."

With the permission of the House, the amendment of Sri V. R. Krishna Ayyar was withdrawn.

Clause 43 was put and carried.

Clause 44.

SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, I move—

'*In sub-clause* (1) for *the word* " *profit* " *occurring in line* 8, substitute *the word* " *profits* ".' "

THE HON. SRI C. SUBRAMANIAM :—" I am accepting the amendment (No. 70) of Sri P. S. Krishnaswamy Ayyangar, viz.,

' In sub-clause (1) for the word " profit " occurring in line 8, *substitute* the word "profits ".' "

MR. SPEAKER :—" The question is—

' In sub-clause (1) *for* the word " profit " occurring in line 8, *substitute* the word " profits ".' "

The motion was put and carried.

Clause 44 as amended was put and carried.

Clause 45.

SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, I want to say before moving my amendment No. 72"

MR. SPEAKER :—" The hon. Member can please move his amendment formally. Then I will call the hon. Member again."

* SRI P. S. KRISHNASWAMY AYYANGAR :—" Before moving my amendment I want to make a representation. In amendment No. 72, I refer to New Clause 50-A which I have given notice of. Therefore till that New Clause 50-A is disposed of, this amendment No. 72 of mine cannot be taken into consideration. In place of amendment No. 71, I am moving amendment No. 72 which amendment could be taken into consideration only after the New Clause 50-A is disposed of."

MR. SPEAKER :—" That is the hon. Member wants his amendment to be taken up afterwards. All right. Is the hon. Member Sri P. K. Gopalakrishnan moving his amendment? "

SRI P. K. GOPALAKRISHNAN :—" Yes, Sir. I move—

' For *the words* " *on one-half of the market value* . . . *whichever is higher* ", substitute *the words* " *at half the rates specified in section* 50 ".' "

The amendment was duly seconded.

SRI V. R. KRISHNA AYYAR :—" Sir, I move—

' *In line* 4, for " *value of the property* " substitute " *so much of the property as is* ".' "

SRI M. KALYANASUNDARAM :—" I second it, Sir."

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SRI V. R. KRISHNA AYYAR :—" My amendment is only verbal. As it is clause 45 states—

'In a suit under section 14 of the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923), fee shall be computed on one-half of the market value of property affected by the determination of the boundary or on rupees four hundred, which ever is higher.'

Suppose there is the slightest alteration in the boundaries. Suppose the extent affected by the fixation of the boundary is, say 100 acres, and there has been a slight alteration of the boundary then the man filing the suit is asked to pay fee, computed on one-half of market value of the entire 100 acres. That means he has to pay a large court-fee. That is why I have suggested an amendment that he shall pay the court-fee computed on one-half of the market value of *so much of the property as is* affected by the determination of the boundary.

" I suppose that is the intention. I hope the position will be 11-40 a.m.
made clear by accepting my amendment."

* SRI P. K. GOPALAKRISHNAN :—" Mr. Speaker, the present wording in this clause is quite uncertain and it should be made clear. It may be the whole property or a slice thereof. When it is only a slice of the property that is affected, it will be very difficult to ascertain the value of the same till a finding is made on the issue. To make the position clear in this regard, I want the substitution of the words ' at half the rates specified in section 50 '. I hope the Government will consider this aspect also and accept the amendment."

SRI E. T. KUNHAN :—" മിസ്റ്റർ സ്പീക്കർ, സർ, അതിരു സംബന്ധിച്ച തർക്ക 11-43 a.m.
ങ്ങൾക്ക് 30 ക. ഫീസ് നിശ്ചയിക്കുന്നതു് വളരെ കൂടുതലാണ്. മലബാറിലാണെങ്കിൽ അതിർത്തി സംബന്ധിച്ച് എത്രയോ തർക്കങ്ങൾ ദിനംപ്രതി ഉണ്ടായിക്കൊണ്ടിരിക്കുന്നു. വരമ്പുനീക്കി, കല്ലുനീക്കി, വേലിപൊളിച്ചു എന്നിങ്ങനെയുള്ള വഴക്കുകൾ സർവ്വസാധാരണമാണ്. ബലം കുറഞ്ഞ ചെറിയ ഭൂമിയുടമസ്ഥന്മാരെ അടുത്തുള്ള ജന്മിമാരും പ്രബലന്മാരും ഇത്തരം സമ്പ്രദായങ്ങൾകൊണ്ടു് ബുദ്ധിമുട്ടിക്കാറുണ്ടു്. അങ്ങിനെയുള്ള കേസ്സുകളിൽ തർക്കം തീർത്തുകൊടുക്കേണ്ടതു് ഗവർമ്മേണ്ടിന്റെ ചുമതലയാണെന്നാണ് ഞാൻ പറയുന്നതു്. ചെറിയ കൃഷിക്കാർതമ്മിലും ധാരാളം തർക്കങ്ങളുണ്ടാകുന്നുണ്ടു്. കൃഷിക്കാർ അന്യോന്യം വഴക്കുണ്ടാകുമ്പോൾ അതു തീർക്കുന്നതിന്നു പകരം മദ്ധ്യേ നിന്നുകൊണ്ടു് ഗവർമ്മേണ്ടു് മുതലെടുക്കുന്നതു് നല്ലൊരു നടപടിയല്ല. ഗവർമ്മേണ്ടു് ആ നയം ഉപേക്ഷിക്കണമെന്നാണ് എനിക്കു പറയാനുള്ളതു്. വളരെ ചുരുങ്ങിയ ചെലവിൽ അത്തരം തർക്കങ്ങൾ തീർത്തുകൊടുക്കേണ്ടതു് അത്യാവശ്യമാണ്. 30 ക. എന്നുള്ളതു് 15 ക ആക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. ജന്മി ഭൂമി പട്ടക്കാരനെ ഏല്പിക്കുമ്പോൾ ഭൂമിക്കു യാതൊരു നഷ്ടവും വരുത്തുകയില്ലെന്നും അതിർത്തിക്കല്ലുപോലും നഷ്ടമാകാതെ സൂക്ഷിച്ചു കൊള്ളാമെന്നും മററും കരാറു് എഴുതികൊടുക്കേണ്ടതായുണ്ടു്. അതുകൊണ്ടു് അതിർത്തി സംബന്ധമായി എന്തെങ്കിലും തകരാറുണ്ടായാൽ കൃഷിക്കാരനാണ് നഷ്ടം കൊടുക്കേണ്ടി വരുന്നതു്. അതുകൊണ്ടുംകൂടിയാണ് ഈ ഫീസ് ചുരുക്കണമെന്ന് ഞാൻ ആവശ്യപ്പെടുന്നതു്."

SRI V. R. KRISHNA AYYAR :—" Sir, I would like to make one more submission, over and above the amendment that I have moved. The Hon. Minister has already agreed to reduce the amount from Rs. 400 to Rs. 300 in respect of another clause which we considered earlier. I request him to concede or indulge in reducing the amount in the same way here also."

* Sri P. S. KRISHNASWAMI AYYANGAR :—" Sir, I wish to make one representation. Hon. Member Sri Krishna Ayyar's amendment does not in any way improve the situation. In clause 45, it is stated, ' . . . fee shall be computed on one-half of the market value of the property affected by the determination of the boundary . . .' There will be disputes in survey demarcation. These disputes will arise between two adjoining owners and one of them will be beneficially affected and the other will be prejudicially affected. The expression used in this clause is, to my mind, not appropriate. Suppose there is a particular slice of property and with regard to that slice alone there is some dispute. This slice alone has to be taken into consideration in the matter of fixation of court-fee. It is with reference to such slices, I have given my amendment. This clause may be taken up after disposing of my amendment for the insertion of a new clause 50-A."

* The Hon. Sri C. SUBRAMANIAM :—" Sir, the language used here is in the existing law and there has been no difficulty in determining what was meant by ' property affected '. It means that portion which is really affected. I don't think we can make a change here at this stage, especially when the present provision is well-understood and there has been no difficulty with regard to that.

" As regards the suggestion of Sri Krishna Ayyar that the amount may be reduced to three hundred rupees, I agree to the same. I am unable to accept the other amendments, Sir.

I move the following amendment :—

' For *the words* " four hundred " substitute *the words* " three hundred ".' "

The amendment of hon. Member Sri V. R. Krishna Ayyar was by leave, withdrawn.

The amendment of hon. Member Sri P. K. Gopalakrishnan was, by leave, withdrawn.

Mr. SPEAKER :—" I will now put the Government amendment to the vote of the House. The question is—

' *For* the words " four hundred " *substitute* the words " three hundred ".' "

The motion was put and carried.

Clause 45, as amended, was put and carried.

Clauses 46 and 47 were put and carried.

Clause 48.

Mr. SPEAKER :—" The motion is—

' That clause 48 do stand part of the Bill '."

Sri P. K. GOPALAKRISHNAN :—" Sir, I move the amendment standing in my name, viz.,

' Omit *sub-clause* (2) '."

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SRI C. H. KANARAN :—" I second the amendment, Sir."

THE HON. SRI C. SUBRAMANIAM :—" I do not accept the amendment, Sir."

The amendment moved by Sri P. K. Gopalakrishnan was, by leave, withdrawn.

Clause 48 was put and carried.

Clause 49 was put and carried.

Clause 50.

MR. SPEAKER :—" The motion is—

' That clause 50 do stand part of the Bill '."

SRI V. R. KRISHNA AYYAR :—" Mr. Speaker, I move the amendment standing in my name, viz.,

' For *the word* " *thirty* " substitute *the word* " *fifteen* " and for *the figure* " 200 " substitute *the figure* " 100 " *wherever they occur* ".' "

SRI S. RAMALINGAM :—" I second the amendment, Sir."

SRI P. K. GOPALAKRISHNAN :—" Sir, I move the amendments (149 to 151) standing in my name, viz.,

' *In item* (i) *for the word* " *fifteen* " substitute *the word* " *five* ".

In item (ii), for *the word* " *thirty* ", substitute *the word* " *fifteen* ".

In item (iii), for *the letters and figures* " *Rs.* 5,000 ", substitute *the letters and figures* " *Rs.* 10,000 ".' "

SRI C. H. KANARAN :—" I second the amendments, Sir."

SRI M. NARAYANA KURUP :—" Sir, I move the amendment (94) standing in my name, viz.,

' For the existing rates, substitute the following :—

(i)	***In a Revenue Court***	***Rupees fifteen.***
(ii)	***In a District Munsif's Court ..***	***Rupees thirty.***
(iii)	***In the City Civil Court, Madras or a Sub-Court or a District Court.***	***Rupees thirty if the value of the subject matter is Rs. 5,000 or less; and*** ***Rupees one hundred if the value is above Rs. 5,000 but below Rs. 10,000 and*** ***Rupees two hundred if the value is above Rs. 10,000.***
(iv)	***In the High Court***	***Rupees three hundred."***

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Sri T. C. NARAYANAN NAMBIAR :—" I second the amendment, Sir."

Sri N. MOUNAGURUSWAMI NAIDU :—" Sir, I move the amendment (244) standing in my name, viz. :—

' For " *thirty* " substitute " *twenty-five* ".' "

Sri H. M. JAGANNATHAM :—" I second the amendment, Sir."

Sri V. GOPALA GOUNDER :—" Sir, I move the following amendment (73) :—

' *In item* (ii), for *the word* " *thirty* " substitute *the word* " *fifteen.*" ' "

Mr. SPEAKER :—" Clause 50 and the amendments moved thereto are now before the House for discussion."

* Sri M. NARAYANA KURUP :—" Sir, in view of the fact that the Hon. Minister has been pleased to accept a similar amendment to a clause which we considered earlier, I request him to accept the amendment here also. We have to adopt the same slab system here which we have adopted previously. This is what I wish to say."

Sri V. R. KRISHNA AYYAR :—" Sir, if the alteration suggested by Sri Narayana Kurup is accepted, I do not press my amendment."

Sri P. K. GOPALAKRISHNAN :—" Sir, there is no case for enhancing the court-fee in respect of suits in Revenue Courts and District Munsif's Courts. It is not at all called for. I think the existing rates are quite all right. Therefore, I request that my amendments may be accepted."

* The Hon. Sri C. SUBRAMANIAM :—" Sir, I am prepared to accept the amendment moved by hon. Member Sri Narayana Kurup with the slight alteration as already indicated. It has to be ' Rs. 10,000 and above ' instead of ' above Rs. 10,000 '. I oppose all other amendments."

The amendments of Sri V. R. Krishna Ayyar and Sri Mounaguruswami Nayudu were, by leave, withdrawn.

Mr. SPEAKER :—" I shall now put the amendments moved by hon. Member Sri P. K. Gopalakrishnan. The question is—

' In item (i) *for* the word " fifteen " *substitute* the word " five ".

In item (ii) *for* the word " thirty " *substitute* the word " fifteen ".

In item (iii) *for* the letters and figures " Rs. 5,000 " *substitute* the letters and figures " Rs. 10,000 ".' "

The amendments were put and lost.

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MR. SPEAKER :—" I shall now put the amendment moved by the hon. Member, Sri V. Gopala Gounder. The question is :—

'In item (ii) for the word " thirty " substitute the word " fifteen ".

The amendment was put and lost.

MR. SPEAKER :—" I shall now put the amendment of Sri M. Narayana Kurup with the verbal change as indicated by the Hon. Minister for Law. The question is—

'*For* the existing rates, *substitute* the following—

(i) In a Revenue Court	Rupees fifteen.
(ii) In a District Munsif's Court ..	Rupees thirty.
(iii) In the City Civil Court, Madras or a Sub-Court or a District Court.	Rupees thirty if the value of the subject matter is Rs 5,000 or less ; and Rupees one hundred if the value is above Rs. 5,000 but below Rs. 10,000 and Rupees two hundred if the value is Rs. 10,000 and above.
(iv) In the High Court	Rupees three hundred.' "

The amendment was put and carried.

Clause 50, as amended, was put and carried.

New clause 50-A.

* SRI P. S. KRISHNASWAMY AYYANGAR :—" Mr. Speaker, Sir, I move the amendments, namely :— 11-50 a.m.

' After *clause* 50, insert *the following as clause* 50-*A* :—

" 50-*A*. *Suits not capable of valuation—In a suit where it is not possible to estimate at a money value the subject-matter in dispute, the plaintiff shall, having regard to the magnitude, and importance and nature of the subject-matter state in the plaint a reasonable amount as the value of the suit for jurisdictional purposes and the court-fee in respect of such subject-matter shall be paid at the following rates :—*

When the plaint is presented to—

(i) *a District Munsif's Court* ..	*Rupees thirty.*
(ii) *the City Civil Court, Madras, a Sub-Court or a District Court*	*Rupees two hundred.*
(iii) *the High Court* ..	*Rupees three hundred.*" ' "

The amendment was duly seconded.

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* SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, the clause 50 which was just now approved may be said to cover this subject-matter also. But my impression is, it does not. Item (iii) of clause 50 says :

'In the City Civil Court, Madras, or a Sub-Court or a District Court.	Rupees thirty if the value of the subject-matter is Rs. 5,000 or less and Rs. 200 if it is above Rs. 5,000.'

This clearly refers to suits relating to properties which have got a money value or have a market value. But no provision has till now been made in respect of properties which have no money value at all. It is to remedy that defect that I have suggested the new clause."

* THE HON. SRI C. SUBRAMANIAM :—" Clause 50 is comprehensive enough to include every case contemplated by him. I do not think there is necessity to include this new clause. I oppose it."

* SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, I anticipated this reply from the Hon. Minister and therefore it was that I referred to clause 50, particularly to item (iii). The clause refers to the value of the subject-matter. It means that it is capable of being valued in terms of money. But my amendment relates to suits wherein the subject-matter is not capable of being valued in terms of money."

* THE HON. SRI C. SUBRAMANIAM :—" The party will value it for purposes of jurisdiction and on that he may pay court-fees."

The amendment was by leave of the House withdrawn.

* SRI T. SHANMUGAM :—" Sir, the hon. Member Sri Krishnaswamy Ayyangar gives notice of so many amendments and withdraws them at the instance of the Hon. Minister . . ."

MR. SPEAKER :—" It is his will and pleasure to give as many amendments as he wants and withdraw any or all of them."

* SRI T. SHANMUGAM :—" Suppose, Sir, I say I do not like to give permission to the hon. Member to withdraw his amendment . . ."

MR. SPEAKER :—" Is he opposing the withdrawal of the amendment by the hon. Member Sri Krishnaswamy Ayyangar? Then I will put that to the vote of the House . . ."

SRI T. SHANMUGAM :—" Yes, I oppose."

* THE HON. SRI C. SUBRAMANIAM :—" That was over long ago, Sir. Let him take the next occasion to oppose the withdrawal of the amendment by the hon. Member Sri Krishnaswamy Ayyangar. He cannot raise it at any time he pleases. Therefore let him take another opportunity."

Clause 51 was put and carried.

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Clause 52.

MR. SPEAKER :—" Motion moved—

' That clause 52 do stand part of the Bill.' "

* SRI P. K. GOPALAKRISHNAN :—" Mr. Speaker, Sir, I move the amendments standing in my name, namely :

' (1) For *the words* " *the same as* ", substitute *the words* " *half of* ".

(2) Omit *Explanations* (3) *and* (5).' "

The amendments were duly seconded.

* SRI P. K. GOPALAKRISHNAN :—" Sir, in appeals the courts take only less time. No trail of suits is involved in appeals. Therefore I think, half of the court fees levied in original courts would be sufficient for appeals. Hence my amendment suggesting the substitution of the words ' half of ' in the place of the words ' the same as '. In Explanation (3) it is stated ' claims which include the award of interest subsequent to the institution of the suit, the interest accrued during the pendency of the suit till the date of decree shall be deemed to be part of the subject-matter of the appeal except where such interest is relinquished '. There is no dispute regarding interest accrued during the pendency of the suit and there is no justification for collecting extra fee on that. I hope that explanation would be dropped. I also hope that the court fee leviable on appeal will be restricted to half of the amount payable in the original court."

THE HON. SRI C. SUBRAMANIAM :—" This is only a repetition of the existing provision. I do not think we need revise it."

* SRI P. K. GOPALAKRISHNAN :—" Because of the reasonableness of my amendment, I hope the Government would accept it."

THE HON. SRI C. SUBRAMANIAM :—" It is not reasonable."

The amendments were put and lost.

Clause 52 was put and carried.

Clause 53.

MR. SPEAKER :—" Motion moved—

' That clause 53 do stand part of the Bill.' "

SRI N. MOUNAGURUSWAMI NAIDU :—" Mr. Speaker, Sir, I move the following amendment, namely :—

' *In sub-clause* (2) for " *such amount . . .* " substitute " *the market value of the property involved in suit* ".' "

The amendment was duly seconded.

* SRI N. MOUNAGURUSWAMI NAIDU :—" Sir, clause 26 relates to court fee payable in respect of adoption suits. There a fixed fee is prescribed and in sub-clause (2) of this clause, where a fixed rate is fixed, the value for purposes of determining the jurisdiction of courts, will be such an amount as the plaintiff shall state in the plaint. It means in a suit for a declaration in respect of adoption made, the plaintiff can file a suit even where the property involved is more than 10 lakhs of rupees, in the Munsif's Court and value it at say Rs. 50 or Rs. 25. The suit will have to be tried by a District Munsif. This is an anomolous position. To remove it, I have proposed the amendment. According to my amendment the market value of the property involved in the suit should be taken as the criterion for fixing jurisdictional value of the suit. I would request the Hon. Minister to accept my amendment."

THE HON. SRI C. SUBRAMANIAM :—" I am accepting the amendment with a little change. It would cover the cases referred to by the hon. Member Sri Krishnaswamy Ayyangar also. I will just pass on the Government amendment."

MR. SPEAKER :—" Is the hon. Member withdrawing his amendment."

SRI N. MOUNAGURUSWAMI NAIDU :—" Yes, Sir."

The amendment was by leave of the House withdrawn.

THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, Sir, I move that—

' *In sub-clause* (2) *of clause* 53, *after the words* " *shall be* " *in line* 3, *the words* " *the market value or where it is not possible to estimate it at a money value* " *shall be inserted.*' "

The amendment was put and carried.

Clause 53 as amended was put and carried.

Clauses 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68 were put and carried.

Clause 69.

MR. SPEAKER :—" Motion moved—

' That clause 69 do stand part of the Bill '."

* SRI Y. MANJAYA SHETTY :—" Sir, I move the following amendment which stands in my name :—

12 noon. ' After *the words* " *the merits of the claim* ", insert *the words* " *and whenever any suit is decided* ex parte *or compromise decree is passed on admission* ".' "

SRI M. CHINNATHAMBI THEVAR :—" I second it."

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MR. SPEAKER :—" Amendment moved—

'After the words " the merits of the claim ", *insert* the words " and whenever any suit is decided *ex parte* or compromise decree is passed on admission ".'

Now both the clause and the amendment are before the House for discussion."

* SRI Y. MANJAYA SHETTY :—" Sir, at present there is no provision for refunding any portion of the court-fee to the parties concerned but I am glad that such a provision is made in the present Bill and clause 69 provides for the refund of a portion of the court fee. Even this clause is restrictive in its application as refund will be made only in cases where a suit is settled out of Court before any evidence is recorded on the merits of the claim. It would have been better if it is extended even to suits which are decided *ex parte* and also to suits in which compromise decrees are passed on admission. If such concessions are granted to this kind of suits, I am sure, much of the unnecessary, cantankerous and frivolous litigation that is prevailing in our courts would come to an end and much of the time of the courts would be saved. Sir, my experience is that in most of the mufassal courts defendants, either in small cause suits or original suits file nominal written statements putting forth certain frivolous contentions. If such concessions are granted to suits to be decreed *ex parte* or compromise suits and a refund of court fees is made, I think, most of the defendants may not file any written statement or even if they file it—a nominal one—they may subsequently admit before going into trial for decrees to be passed. So, in the interests of the litigant public and also to save much of the time which is otherwise spent in court in dealing with frivolous contentions, I hope, the Government will accept my amendment extending the concessions provided in this clause to such class of suits mentioned in my amendment."

SRI V. R. KRISHNA AYYAR :—" Sir, I also heartily support the amendment moved by the hon. Member, Sri Manjaya Shetty, for this reason. Even now in the matter of vakil fees under the Legal Practitioners' Rules, there is a concession shown in a suit decided *ex parte* or in a suit where an admission decree is passed. One of the major principles followed in fixing the court fee is the time taken in the Court to dispose of a case. Sometimes a case is disposed of in the first hearing itself and the court may pass a decree *ex parte*. Also if a party admits the contents of the case, then the time of the court is not taken. Sometimes a party may not even contest it and in all such cases refund should be made. Even in the case of suits where compromise decrees are passed, the Government can benevolently extend the principle. So, I support the amendment moved by the hon. Member, Sri Manjaya Shetty."

SRI E. L. RAGHAVA MUDALIAR :—" Mr. Speaker, Sir, I also heartily support the amendment moved by the hon. Member,

Sri Manjaya Chetty. This was discussed at the Select Committee and the argument of the Hon. Minister for Law was that even if a suit was decreed in terms of a compromise, execution proceedings would have to be gone through and therefore there was no justification for refunding half of the court fee. But I would submit that a suit will be dismissed as settled out of court only in pursuance of a compromise and the difference is only in the phraseology used. And in most of the cases where suits are settled, there would not be any chance of filing execution petitions because the parties settle their claims out of court and act accordingly. Only in a very few cases compromise decrees come up for execution. After all, even the time taken up for execution proceedings is not much and even for execution proceedings a separate court-fee is levied though it is not very much. Simply because there may be a few cases where execution proceedings might have to be undergone, it is not right on the part of the Government to refuse refund of court fee in compromise cases. Therefore, I support the amendment.''

* Sri N. GOPALA MENON :—'' Sir, I do not think that in the case of *ex parte* decree money could be refunded because an ex parte decree could always be set aside and there is no finality to it. An aggrieved person can set it aside later on even after two years by saying that he had not received summons or notice. So in the case of suits decided *ex parte* no refund can be allowed. There will be some principle in refunding the court fee if there is a finality brought about really by the parties concerned and not through the agency of the court.''

* The Hon. Sri C. SUBRAMANIAM :—'' Sir, as pointed out by the hon. Member Sri Raghava Mudaliar himself, we considered this aspect of the matter in the Select Committee and I explained the whole thing. At that time I also pointed out the Privy Council dictum 'the plaintiff's difficulties begin only after the decree is passed'. It is only during the course of the execution, all sorts of obstructions are put. As a matter of fact it goes on for twelve years and there is a period of limitation of twelve years for execution of decrees. Not in all cases but in many cases this obstruction is put. Under those circumstances, we thought that it would not be necessary to give refund in respect of ex parte decrees, and so also with regard to compromise decrees. I myself brought about so many compromises as a lawyer. It is only during the execution of the compromise decrees that all these obstacles are put. I know a case which went even up to the Privy Council and it was with regard to the execution of a compromise decree. That is why we have made provision for refund in this Bill only for suits which are dismissed as settled out of court before any evidence has been recorded on the merits of the claim. After all, we are making a good beginning and till now there was no provision for any refund. Let us make this beginning and see how it works and there will be time enough to think over the matter. Even though the object of the hon. Mover of the amendment is laudable, I request him to withdraw it.''

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* SRI Y. MANJAYA SHETTY :—" In view of what the Hon. Minister has stated that the Government have made a good beginning and while appreciating that beginning and expecting much more in future, I am withdrawing my amendment."

The amendment (103) of Sri Y. Manjaya Shetty was by leave of the House withdrawn.

Clause 69 was put and carried.

Clauses 70 and 71 were put and carried.

Clause 72.

SRI M. KALYANASUNDARAM :—" Sir, I move the following amendments which stands in my name :—

' Add *at the end the following as item* (*xxi*) :—

" (*xxi*) *any application by a worker for payment of claims from his employer due under an award of an Industrial Tribunal;*"

' Add *the following items* :—

" (*xxi*) *Any statement or document filed by an accused in a criminal case.*

(*xxii*) *Plaints or written statements or other documents filed by a member of Scheduled Castes or Scheduled Tribes in any Court of Law.*

(*xxiii*) *Copy of any document connected with the case applied for by an accused in a criminal case.*

(*xxiv*) *Copy of any document applied for by a member of Scheduled Castes or Scheduled Tribe in any case whether Civil or Criminal wherein he is a plaintiff or a defendant.*" ' "

SRI T. C. NARAYANAN NAMBIAR :—" Sir, I second the amendments."

SRI S. RAMALINGAM :—" I move the following amendment which stands in my name :—

' Add *the following new item* :—

" (*xxi*) *petitions, affidavits, exhibits and all other documents filed by or on behalf of an accused in any Criminal Court.*" ' "

SRI K. T. RAJU :—' Sir, I second it."

SRI P. K. GOPALAKRISHNAN :—" Sir, I move the following amendment which stands in my name :—

' Add *the following items* :—

" (*xxi*) *application by a tenant for fixation of fair rent under the Malabar Tenancy Act*, 1929;

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(xxii) application by a worker for the payment of money due by a factory management to the applicant under Payment of Wages Act." ' "

SRI E. T. KUNHAN :—" Sir, I second it."

SRI P. RANGASWAMI REDDIAR :—" Sir, I move the following amendments which stand in my name :—

'*In item (ii)*, after " *by advocates* ", insert " *or pleaders* ".

After *item* (xx), insert *the following items* :—

" *(xxi) Copies or documents chargeable under Articles* 5, 6, 7 *and* 9 *of the Second Schedule and furnished by Civil or Criminal Courts or Revenue Courts or offices, for the private use of persons applying for them* :

Provided that nothing in this clause shall apply to copies or documents, when filed, exhibited or recorded in any court of justice or received by any public officer.

(xxii) Applications for the return of documents filed in any Civil or Criminal Court or Revenue Court or public office." ' "

The amendments were duly seconded.

THE HON. SRI C. SUBRAMANIAM :—" Sir, I move the following amendment which stands in my name :—

'*In item (xx)*, after *the words* " *Court of Wards* ", insert *the words* " *when presented to any superior officer or Government* ".' "

MR. SPEAKER :—" Now clause 72 and the amendments are before the House for discussion."

12-10 p.m. * SRI P. RANGASWAMI REDDIAR :—" Mr. Speaker, Sir, clause 72 (ii) reads : " (ii) memorandum of appearance filed by Advocates when apearing for persons proceeded against in criminal cases ". There was some confusion under the old Act. Pleaders appearing for complainants should file vakalats. Advocates appearing either for complainants or for the accused may file a memorandum of appearance. Both pleaders and advocates can file memorandum of appearance when they appear for the accused. Therefore, when the Government by a notification remitted the fees chargeable on the memorandum of appearance put in by the pleaders, some doubts arose and subsequently memo. of appearance filed by advocates also was exempted. Now, if clause 72 (ii) is allowed to be passed as it is, there may rise some doubts as regards memo. of appearance filed by pleaders. The expression ' pleaders ' is defined in the Criminal Procedure Code as persons authorised to appear before criminal courts, including advocates, attorneys, etc. Therefore, I say that the words " or pleaders " may be added after the words ' by advocates '.

" What my next amendment No. 297 contemplates is this. Under the old Act, a large number of cases were exempted by a

notification. Section 19 of the existing Act is more or less similar to the proposed clause 72. Under the old Act, the two categories of cases, which I have mentioned in my amendment, were exempted. Therefore, after item (xx), I want the following to be inserted as item (xxi), viz., 'copies or documents chargeable under Articles 5, 6, 7 and 9 of the Second Schedule and furnished by civil or criminal courts or revenue courts or offices, for the private use of persons applying for them '. Sir, we have already passed clause 4, which says ' No document which is chargeable with fee under this Act shall be filed, exhibited or recorded in, or be acted on or furnished by any court' Suppose a copy of a decree is sought to be obtained for the private use of a person. If it is not exempted as suggested by me, then when granting certified copies of decrees and judgments, the court would insist upon paying court-fee under Articles 5, 6, 7 and 9 of the Second Schedule. Therefore these documents and copies should be exempted from payment of the fee. Certified copies of decrees, judgments and similar documents may subsequently be used in a court of law. Then they may be charged with court fees. Therefore, I have introduced a proviso : 'Provided that nothing in this clause shall apply to copies or documents, when filed, exhibited or recorded in any court of justice or received by any public officer '. Under the existing law, these copies and documents are exempted by a notification. I want these things to be included in the Act itself. Otherwise, when the court grants copies of decrees and judgments, they will insist upon paying court-fees in the light of clause 4 which we have already passed.

" I also want the following to be added as item (xxii) : ' applications for the return of documents filed in any civil or criminal court or revenue court or public office '. Such applications are exempted under the existing Act. A large number of documents are filed in cases and when return petitions are filed, no court-fee is affixed to such applications. I want this to be exempted under the Act itself, not by a separate notification. I am aware that the Government may remit or reduce the fee payable by a notification under clause 73."

THE HON. SRI C. SUBRAMANIAM :—" Sir, I wish to draw the attention of the hon. Member to clause 83 under which the rules and notifications now in force are being kept alive."

* SRI P. K. GOPALAKRISHNAN :—" Sir, my amendment seeks to include the following items, viz., (i) application by a tenant for fixation of fair rent under the Malabar Tenancy Act, 1929 and (ii) application by a worker for the payment of money due by a factory management to the applicant under the Payment of Wages Act. Apart from them, certain other items, which have been suggested in the amendments given notice of by the hon. Members Sri M. Kalyanasundaram and Sri S. Ramalingam may also be accepted. Tenants who file applications for fixation of fair rent want to get justice and if they are asked to pay 12 annas or one rupee, they may be put to considerable hardship. After all, a worker may be getting 12 annas or 14 annas or one rupee as his wage for a day. If

he is asked to pay one rupee when submitting an application under the Payment of Wages Act for the payment of money due by a factory management, it will be a heavy amount for him. Again, Harijans are given facilities and legal aid so far as criminal cases are concerned. In civil suits also such facilities should be given to them. Harijans who go to civil courts for getting justice should be given exemption from payment of fees and they should be supplied with copies of whatever documents they want, free of cost. These items should necessarily be exempted. Though the Government have power to remit or reduce the fees chargeable by a notification under clause 73, I wish to suggest that these items should be exempted under the Act itself.''

12-17 p.m. **SRI M. KALYANASUNDARAM** :—" கனம் சபாநாயசர் அவர்களே, நான் கொடுத்திருக்கக்கூடிய திருத்தங்களாவன :

'Add *the following item* :—

" (*xxi*) *Any statement or document filed by an accused in a criminal case.*

(*xxii*) *Plaints or written statements or other documents filed by a member of Scheduled Castes or Scheduled Tribes in any Court of Law.*" '

இவ்விரண்டு திருத்தங்களும் மிகவும் முக்கியமானவை. கிராமங்களிலிருக்கக்கூடிய மக்களுக்கு கோர்ட்டு விஷயங்கள் தெரியாத காரணத்தால் அங்குள்ள நாட்டாண்மைக்காரர்கள், கிராம வக்கீல்கள், இடைத் தரசர்கள் ஆகியவர்களை நம்பி ஏமார்ந்துபோகக்கூடியவர்களாக இருக்கிறார்கள். அவர்கள் விஷயத்தில் சலுகைகாட்டி அவர்களுக்காவது கோர்ட்டு செலவைக் குறைக்கவேண்டும். சர்க்கார் வசூலிக்கக்கூடிய கட்டணத்தில் அவர்களுக்கு எவ்வளவு சலுகை காட்டவேண்டுமோ அவ்வளவு சலுகை காட்டவேண்டும் என்பதற்காகத்தான் மேற்படி திருத்தங்களைக் கொடுத்திருக்கிறேன். அவ்விரண்டு திருத்தங்களையும் சர்க்கார் ஏற்றுக்கொள்ளவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்."

SRI E. T. KUNHAN :—" മിസ്റ്റർ സ്പീക്കർ, സർ, സഖാവ് കല്യാണസുന്ദരം അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതി അതിപ്രധാനമായ ഒന്നാണ്. ഹരിജനങ്ങളുടെ പേരിൽ പലവിധത്തിലുള്ള കേസ്സുകൾ കൊടുത്തു അവരെ ബുദ്ധിമുട്ടിക്കുന്നുണ്ട്. എന്നുമാത്രമല്ല ഹരിജനങ്ങൾ അങ്ങോട്ടും കേസ്സു കൊടുക്കേണ്ടതുണ്ട്. ഉദാഹരണം പറയുകയാണെങ്കിൽ മലബാറിൽ ഇന്നു ഹരിജനങ്ങളുടെമേൽ എത്രയോ മർദ്ദനങ്ങൾ ഉണ്ടായിക്കൊണ്ടിരിക്കുന്നു. നാട്ടിൽ പ്രബലന്മാരായിട്ടുള്ള ആളുകൾ ഹരിജനങ്ങളെ മർദ്ദിക്കുമ്പോൾ കോടതിൽ പോയി നീതി സമ്പാദിക്കാമെന്നു വച്ചാൽ അതിന്നു സാദ്ധ്യമല്ലാത്തമട്ടിൽ അത്രയ്ക്കു വമ്പിച്ച ഫീസ്സാണ് ഇന്നു ചുമത്തിയിരിക്കുന്നതു്. അന്യായം ബോധിപ്പിക്കുതിന്നുള്ള ചെലവു മാത്രമല്ല, അതു കഴിഞ്ഞാലും എത്രയോ ഇനം ചെലവുകൾ ചെയ്യേണ്ടിയിരിക്കുന്നു. അന്യായത്തിന്റേയോ ഹരജിയുടേയോ ഒരു പകർപ്പു വേണമെങ്കിൽ കടലാസ്സ് പായൊന്നിന്ന് 10 ണ. വീതം സ്റ്റാമ്പ് വരുന്നുണ്ട്. കടലാസ് ചെലവാക്കുന്നതുതന്നെ ന്യായമായിട്ടല്ല. ഇടവിട്ട് നീട്ടി എഴുതി ഒരു കടലാസിലെഴുതാനുള്ളതു് നാലു കടലാസിലാക്കി എഴുതുന്ന സമ്പ്രദായമാണ് ഇന്നു നടക്കുന്നതു്. ഇങ്ങനെ എത്രയോ ഇനം ചെലവുകളുണ്ട്. ഹരിജനങ്ങളെ കോർട്ടുഫീസ്സ് കൊടുക്കുന്നതിൽനിന്നും ഒഴിവാക്കിയില്ലെങ്കിൽ ഹരിജനങ്ങൾക്കു കോടതിയിൽ പോകുവാനോ ആക്ഷേപം കൊടുക്കുവാനോ സാദ്ധ്യമല്ലെന്നുവരും. അതുകൊണ്ടു ഹരിജനങ്ങളെ കോർട്ട് ഫീസിൽനിന്നു ഒഴിവാക്കണമെന്നുള്ള ഈ ഭേദഗതിയെ ഞാൻ ശക്തിയായി പിന്താങ്ങുന്നു.

" മറെറാന്നുകൂടി പറഞ്ഞുകൊള്ളട്ടെ. ഇന്നു പഞ്ചായത്തു കോർട്ടുകളിൽ ഒരു തീർപ്പുണ്ടായാൽ അതിന്മേൽ അപ്പീൽ കൊടുക്കാൻ ഹൈക്കോർട്ടിൽ പോകേണ്ടിയിരിക്കുന്നു. പഞ്ചായത്തു കോടതികളിൽനിന്നു ഹരിജനങ്ങൾക്കു പലപ്പോഴും നീതി ലഭിക്കുന്നില്ല.

ബുദ്ധി വച്ചുകൊണ്ടു് ദ്രോഹകരമായി വിധിക്കുകയാണെങ്കിൽ പാവപ്പെട്ട ഹരിജനങ്ങൾക്കു് ഹൈക്കോട്ടിൽചെന്നു ഒരു അപ്പീൽ കൊടുക്കാൻ സാദ്ധ്യമല്ല. അതുകൊണ്ടു് മുൻസീഫ് കോടതികൾക്കും സെസ്ഷൻ കോടതികൾക്കും പഞ്ചായത്തുകോട്ടിന്റെ വിധിയിന്മേൽ അപ്പീൽ കൊടുക്കുവാൻ അധികാരം കൊടുക്കുന്നതു വളരെ ഉപകാരമായിരിക്കും. അതുകൂടെ ചെയ്യണമെന്നു ഈ അവസരത്തിൽ അപേക്ഷിച്ചുകൊള്ളുന്നു."

SRI S. S. KOLKEBAIL :—" Sir, I fully endorse the amendment moved by my hon. Friend, Sri P. Rangaswamy Reddiar. Exemptions under clause 72 should be granted not only with regard to vakalatnama and memorandum of appearance filed but with regard to bail bonds also. 12-20 p.m.

" However, I oppose one of the amendments moved by the hon. the Deputy Leader of the Opposition to the effect that exemption should be granted with regard to plaints or written statements or other documents filed by a member of Scheduled Castes or Scheduled Tribes in any Court of Law. So far as our Courts of Law are concerned they are not 'contaminated by considerations of caste, community, etc.' Exemption for payment of court-fees by certain classes or communities is really unnecessary. Such a provision if introduced will be against the fundamental principles of jurisprudence. So, Sir, I oppose that amendment."

SRI T. C. NARAYANAN NAMBIAR :—" Sir, I rise to support the amendment moved by hon. Friend, Sri P. Rangaswamy Reddiyar, and supported by hon. Member, Sri S. S. Kolkebail. Sir, item (ii) of clause 72 says : 'memorandum of appearance filed by advocates . . .' I wish to point out to the Hon. Minister that in mufassal areas there are very few advocates available. If any person, even though he has passed B.A. and B.L., examinations, wants to enrol himself as an advocate he will have to pay Rs. 700 . . . (Interruption.) I speak, Sir, subject to correction. There are very many good pleaders who argue cases very well even though they may not have enrolled themselves as advocates. Apart from these vakils or pleaders, there are other persons also who appear before criminal courts, and argue cases either on behalf of the accused or on behalf of the plaintiff. I know there is one such person in Cannanore who appears before the Magistrate's Court regularly in many criminal cases and he is very successful in his profession. Therefore, my humble submission is that there should not be any distinction made with regard to memorandum of appearance filed by advocates or vakils or other agents entitled to appear before criminal courts. As a matter of fact, I know they argue for even eight annas or four annas. I have myself given four annas in some cases and in some cases even two annas. I submit sincerely, Sir, that they appear on behalf of poor people and Harijans for four annas or two annas. We must see that people are able to get redress in a Court of Law with as little expenditure as possible.

" Again, Sir, with regard to the amendment moved by hon. Member, Sri M. Kalyanasundaram, I have to say this. We do not want to introduce the caste system or the communal principle in courts. We plead for members of Scheduled Castes and Scheduled

Tribes because economically they were 'oppressed, suppressed and repressed for ages to come.' There may be among them 00000000009 per cent who are well-to-do. What we want is that their economic condition should be taken into account. Hon. Member Sri M. Kalyanasundaram, has moved his amendment in the best interests of the poor people so that 'justice may come within their reach.' "

Sri S. RAMALINGAM :—" க்ளாஸ் 72-க்கு நான் கொடுத்திருக்கும் திருத்தமாவது :

'Add *the following new item* :—

" (xxi) *petitions, affidavits, exhibits and all other documents filed by or on behalf of an accused in any criminal court.*" '

இது ரொம்ப சாதாரணமான திருத்தமாகும். ஏற்கெனவே சர்க்கார் இந்தக் கொள்கையை ஓரளவு ஒத்துக்கொண்டிருக்கிறார்கள். அதாவது இந்த ஷரத்தின் 2-வது உப-பிரிவில் '**memorandum of appearance filed by advocates when appearing for persons proceeded against in criminal cases**' என்று சொல்லப்பட்டிருக்கிறது. ஒரு க்ரிமினல் கேசில் சம்பந்தப்பட்டு குற்றவாளி என்று கருதப்பட்டிருக்கக்கூடியவனுக்கு ஆஜராகக்கூடிய வக்கீல்கள் வகாலத்துக்காக நிர்ணயிக்கப்பட்டிருக்கக் கூடிய ஒரு ரூபாய் கட்ட வேண்டியதில்லை. சப்-ஜெயிலிலிருந்து விடுதலை பண்ணியவன் பெயில் பாண்டுக்கு கோர்ட்டு கட்டணத்திற்கான ஸ்டாம்பு ஒட்ட வேண்டியதில்லை என்று போட்டிருக்கிறார்கள். அது ரொம்ப நியாயமானது. அதேபோல குற்றவாளி என்று கருதப்பட்ட ஒருவனுக்கு நியாயம் தேடிக்கொள்ளுவதற்கு, கோர்ட்டு நடவடிக்கை எடுத்துக்கொள்வதற்கான வசதிகள் பூராவும் சர்க்கார் கொடுக்க வேண்டியது நியாயம். அவர்களுடைய நியாயத்தை எடுத்துச் சொல்லுவதற்கு கொடுக்கக்கூடிய பெடிஷன்கள், அபிடவிட்டுகள், எக்ஸிபிட்டுகள், இன்னும் இதர டாகுமெண்டுகள் ஆகியவைகளை கோர்ட்டில் சமர்ப்பிக்கும்போது அவைகளுக்குக் கட்டணம் வசூலிக்கக்கூடாது என்று என்னுடைய திருத்தம் கோருகிறது. சர்க்கார் அதை ஏற்றுக்கொள்ளுவார்கள் என்று நம்புகிறேன்."

* The Hon. Sri C. SUBRAMANIAM :—" Sir, the Communist Party has attempted to bring in labour legislation and then social legislation as far as members of Scheduled Tribes and Scheduled Castes are concerned, and naturally do some propaganda on that front even in considering the Court Fees Bill. Otherwise, I do not really understand the purpose of the amendment. The amendment says that for plaints or written statements or other documents filed by a member of Scheduled Castes or Scheduled Tribes in any Court of Law no court-fee need be paid. Suppose, Sir, a member of Scheduled Castes is a money-lender. He lends money and subsequently files a suit for the recovery of the same. If the amendment were to be accepted, no court-fee should be levied even in respect of this item. I can understand, Sir, if it is stated that poor people should be exempted. There are persons like Sri Sivashanmugam Pillai, Sri B. Parameswaran and Sri Nanjappa who are rich enough."

Mr. SPEAKER :—" If the Hon. Minister wants, let him cite Sri B. Parameswaran and not cite the Chair."

The Hon. Sri C. SUBRAMANIAM :—" That is why, I am saying, Sri Sivashanmugam Pillai and not the Hon. the Speaker. (Laughter.) The Communist Party want to do some propaganda

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saying that hon. Member, Sri M. Kalyanasundaram, brought forward an amendment with reference to giving exemption from payment of court-fees to members of Scheduled Castes and Scheduled Tribes and that the Hon. the Leader of the House belonging to the Congress Party opposed it. This amendment is not a reasonable amendment. I should say it is an unreasonable amendment. Simply to say that the Government opposed giving exemption from paying court-fees to members of Scheduled Castes and Tribes, this amendment has been brought forward. The Government have taken powers in clause 73 to exempt in all cases which are reasonable from payment of court-fees. As far as I am concerned, I am in charge of 'Court-Fees' and with regard to the policy to be adopted by the various departments, the departments concerned will take into consideration the various aspects and make recommendations to the Government and the latter will then take a decision whether more exemption should be granted by notification provided for under clause 73. This is not the place to consider the various policies with regard to labour legislation, with regard to awards given by various Labour Tribunals, with regard to giving exemption to members of Scheduled Castes and Tribes and all that. Certainly this is not the place and time where we can discuss all these things.

"That is why Sir, even though the amendment refers to Scheduled Castes and Scheduled Tribes, I have to oppose it; I have to oppose it even though they may exploit this opposition of mine. 12-30 p.m.

"Then with reference to Mr. Rangaswamy's amendment, regarding addition of 'pleaders', I am accepting it, because otherwise that will create anomalies; even though pleaders are limited in number, so that there need not exist any anomaly I am accepting it.

"With reference to other persons who are authorised to appear in criminal cases under the Criminal Procedure Code, I am sorry I am not prepared to accept that suggestion. As Mr. Kurup said, it will be dangerous to allow these persons and even good cases may be spoilt by them.

"Under these circumstances, I am not prepared to accept that suggestion. We are taking powers under clause 73 to exempt and under 83 we provide that all the existing notifications would be kept alive till further notifications are issued under this Act. If hon. members go through the notifications already existing, they will know that most of the items referred to by them are already exempted. At least lawyer members will know. Therefore, it is not necessary to increase further the exemptions. I am opposing all the other amendments."

SRI S. RAMALINGAM :—"What about my amendment?"

* THE HON. SRI C. SUBRAMANIAM :—"I am strongly opposing it."

SRI S. S. KOLKEBAIL :—"What about bail bond from the accused?"

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SRI M. KALYANASUNDARAM :—"நிதி மந்திரி அவர்கள், 'நான் திருத்தங்களை ஆட்சேபிக்கிறேன்' என்று சொல்லி அவருடைய பேச்சை முடித்துக்கொண்டிருந்தால் நான் இப்பொழுது பேச வேண்டிய அவசியமே இருந்திருக்காது. அனுவசியமாக நிதி மந்திரி அவர்கள் கம்யூனிஸ்டுக் கட்சியை இழுத்து வைத்ததினுல்தான் நான் இரண்டொரு வார்த்தைகள் சொல்லவேண்டியிருக்கிறது. 'காமாலைக் கண்ணுக்கு கண்டதெல்லாம் மஞ்சளாகத் தெரியும்' என்று சொல்லுவார்கள். அதுபோல நம்முடைய நிதி மந்திரி அவர்களுக்கு எப்பொழுது பார்த்தாலும் நாங்கள் கொண்டுவரும் திருத்தங்களெல்லாம் அரசியல் பிரசாரத்திற்கென்றே தோன்றுகிறது. எப்படியாவது தொழிலாளிகளுக்கும் விவசாயிகளுக்கும் ஒரு பரிகாரம் ஏற்படவேண்டும் என்பதற்காகத்தான் திருத்தங்கள் கொண்டுவந்தோம். ஆனுல் மந்திரி அவர்கள் அந்தத் திருத்தங்களை எதிர்க்கக்கூடிய வேகத்தில், 'ஹரிஜனங்களிலேகூட கடன் கொடுப்பவர்கள் இருக்கிருாகளே' அவர்களுக்குக்கூட கோர்ட்டு கட்டணத்திலிருந்து விதி விலக்கு கேட்கிருர்களே' என்று பேசுகிருர். கனம் நிதி மந்திரி அவர்கள் கிராமத்தைவிட்டு அதிக காலம் ஆகிவிட்டதென்று நினைக்கிறேன். அதனுல்தான் அவர்களுக்கு அதிகமாகத் தெரியவில்லை என்று நினைக்கிறேன். ஹரிஜனங்களிலும் கடன் கொடுக்கிறவர்கள் இருக்கலாம், இல்லையென்று நான் சொல்லவில்லை. தாங்கள் சேமித்துவைத்த தொகையை அங்குள்ள பெரியதனக்காரர்களிடத்திலே கொடுத்துவிட்டு நிற்கினற ஹரிஜனங்கள் பலர் இருக்கிருர்கள். ஏதோ நிலத்தில் சுமாராக விளைந்தால் 100, 200 ரூபாய் மிச்சம் பிடித்திருக்கலாம். அதைப் பெரியதனக் கவுண்டர்களை நம்பிக்கொடுத்துவிட்டு மோசம் போய்விட்டால் அவர்கள் கோர்ட்டுக்குப்போக வேண்டியிருக்கும். அப்படிப்பட்டவர்களையும் கோர்ட்டு கட்டணம் செலுத்தவேண்டும் என்று சொல்வது கூடாது. கோர்ட்டு கட்டணத்திலிருந்து அவர்களுக்கு விலக்கு அளிக்கவேண்டும். கிராமங்களிலுள்ள பெரியதனக்காரர்களிடத்தில் தாங்கள் கொஞ்சம் கொஞ்சமாக மிச்சம் பிடித்துக் சேமித்த பணத்தைக்கொடுத்துவிட்டு அதைத் திரும்பப் பெறமுடியாமலிருப்பவர்களை, ஏழை மக்களைப் பெரியதனக்காரர்களிடமிருந்து பாதுகாக்கவேண்டுமென்பதற்காகத்தான் நான் திருத்தங்களைக் கொண்டுவந்திருக்கிறேனே தவிர, இதில் அசங்யல் பிரசாரத்திற்கு எதுவும் இல்லை. அரசியல் பிரசாரத்திற்காக இதை உபயோகப்படுத்த வேண்டிய அவசியமும் எங்களுக்கு இல்லை. ஏனென்ருல், காங்கிரஸ் கொள்கைகளும் திட்டங்களுமே எங்களுக்குப் போதுமானது. அப்படிப்பட்ட நிலைமையிலே நம்முடைய மந்திரி சபை திட்டங்களை வகுக்கும் என்று நிச்சயமாக நம்பிக்கை உண்டு. ஆகவே. பிரசாரத்திற்கு கையில் சரக்கு இல்லை என்று எந்தக்காலத்திலும் இல்லை."

* THE HON. SRI C. SUBRAMANIAM :—"The results of such propaganda are well evident, Sir."

SRI S. RAMALINGAM :—"நான் கொடுத்த திருத்தத்தை கனம் நிதி மந்திரி அவர்கள் 'ரொம்ப கடுமையாக ஆட்சேபிக்கிறேன்' என்று சொன்னுர்கள். குற்றவாளிகள் என்று கருதப்பட்டு ஸப்-ஜெயிலில் இருப்பவர்கள் பெடிஷன்கள், அபிடவிட்டுகள் கோர்ட்டில் தாக்கல் செய்ய வேண்டுமென்ருல், அவர்களுக்கு ஏதாவது சலுகை காண்பிக்கவேண்டும் என்பதற்காகத்தான் நான் திருத்தம் கொடுத்திருக்கிறேன். ஆனுல், அதை 'ரொம்ப கடுமையாக ஆட்சேபிப்பதாக' நிதி மந்திரி அவர்கள் சொல்கிருர்."

* THE HON. SRI C. SUBRAMANIAM :—"They can be included in the notification."

SRI E. T. KUNHAN :—"മിസ്റ്റർ സ്പീക്കർ, സർ, ബഹുമാനപ്പെട്ട മന്ത്രി, സ്പീക്കർ ശ്രീ ശിവഷണ്മുഖം പിള്ളയേയും ശ്രീ നഞ്ചപ്പയേയും ഉദാഹരണമായി എടുത്തുകൊണ്ട് ഹരിജനങ്ങളിൽ പണക്കാരുണ്ടെന്നു പറയുകയുണ്ടായി. മദ്രാസ് സംസ്ഥാനത്തിൽ ഇങ്ങനെ രണ്ടു ഹരിജനങ്ങളെമാത്രമെ ബഹുമാനപ്പെട്ട മന്ത്രി കണ്ടിട്ടുള്ളു. ഈ രണ്ടു

പേരുടെ ഫീസ്സ് ഒഴിവാക്കിയാലും ഈ രാജ്യത്തു ലക്ഷക്കണക്കിനുള്ള ഹരിജനങ്ങൾ കോർട്ട്ഫീസ്സ് കൊടുക്കാൻ നിവൃത്തിയില്ലാത്തവരാണെന്ന ആർക്കാണ അറിഞ്ഞുകൂടാത്തത്? ഇതൊന്നും ഒരു ശരിയായ സമാധാനമല്ല. ഹരിജനങ്ങളെ ഈ ഫീസ്സിൽനിന്ന ഒഴിവാക്കണമെന്നുള്ള ഭേദഗതി സ്വീകരിച്ചേ മതിയാവൂ എന്ന ഞാൻ വീണ്ടും അഭിപ്രായപ്പെട്ടുകൊള്ളുന്നു. ".

* Sri P. RANGASWAMY REDDIAR :—" Sir, in amendment No. 297, I have proposed to include new items. The word used in clause 4 which we have already passed is ' furnished by '. On certified copies of decrees or judgments, when the court furnishes them the court insists upon payment of court fees under clauses 5, 6 and 7 of the Second Schedule. But clause 83 says, ' until rules are framed under sections 80, 81 and 82 and until notifications are issued under section 73, the rules and notifications now in force in respect of matters referred to in those sections, etc.' Mark the word ' in respect of matters '. But no matter is referred to in section 73. Clause 73 simply says, ' the State Government may, by notification, reduce or remit in the whole or in any part of the territory of this State, all or any of the fees chargeable under this Act, and may, in like manner, cancel or vary such notification.' Therefore, no specific matter is referred to . . ."

The Hon. Sri C. SUBRAMANIAM :—" The entire matter is referred to."

* Sri P. RANGASWAMY REDDIAR :—" In day-to-day actual practice, innumerable difficulties would arise. At least item (xxi) may be added, wherein I have also added a proviso to safeguard the interests of revenue of the Government."

Mr. SPEAKER :—" The question is—

' *Add* at the end the following as item (xxi) :—

" (xxi) any application by a worker for payment of claims from his employer due under an award of an Industrial Tribunal." ' "

The amendment was lost.

Mr. SPEAKER :—" The question is—

' *Add* the following items :—

" (xxi) Any statement or document filed by an accused in a criminal case;

(xxii) Plaints or written statements or other documents filed by a member of Scheduled Castes or Scheduled Tribes in any Court of Law;

(xxiii) Copy of any document connected with the case applied for by an accused in a criminal case;

(xxiv) Copy of any document applied for by a member of Scheduled Caste or Scheduled Tribe in any case whether civil or criminal wherein he is a plaintiff or a defendant ".' "

The amendment was lost.

SRI S. RAMALINGAM :—" I am not pressing my amendment, as the Hon. Minister has said that he would include it in the notification."

The amendment No. 190 was, by leave, withdrawn.

MR. SPEAKER :—" The question is—

'*Add* the following items :—

" (xxi) application by a tenant for fixation of fair rent under the Malabar Tenancy Act, 1929;

(xxii) application by a worker for the payment of money due by a factory management to the applicant under Payment of Wages Act ".' "

The amendment was lost.

MR. SPEAKER :—" The question is—

'*After* item (xx), *insert* the following items :—

" (xxi) copies of documents chargeable under Articles 5, 6, 7 and 9 of the Second Schedule and furnished by civil or criminal courts or Revenue courts or offices, for the private use of persons applying for them :

Provided that nothing in this clause shall apply to copies or documents, when filed, exhibited or recorded in any court of justice or received by any public officer;

(xxii) applications for the return of documents filed in any civil or criminal court or revenue court or public office ".' "

The amendment was lost.

MR. SPEAKER :—" The question is—

'In item (ii), *after* " by Advocates ", *insert* " or Pleaders ".' "

The amendment was carried.

MR. SPEAKER :—" The question is—

'In item (xx), *after* the words " Court of Wards ", *insert* the words " when presented to any superior officer or Government." ' "

The amendment was carried.

MR. SPEAKER :—" The question is—

'That clause 72 as amended stands part of the Bill '."

Clause 72, as amended, was put and carried.

Clauses 73 to 77.

MR. SPEAKER :—" I will put clauses 73 to 77 both inclusive, to the vote of the House. There are no amendments. The question is—

' That clauses 73 to 77 stand part of the Bill.' "

The motion was carried.

Clause 78.

MR. SPEAKER :—" The question is— 12-40 p.m.

' That clause 78 do stand part of the Bill ' ".

SRI P. K. GOPALAKRISHNAN :—" I beg to move—

'*In line* 4, for *the word* " *may* ", substitute *the word* " *shall* ".' "

The amendment was duly seconded.

* SRI P. K. GOPALAKRISHNAN :—" Though my amendment is a verbal one, it is an important amendment. In case of damaged or spoiled stamps, if they are produced and if the Collector is satisfied about their genuineness, he *may* pay the amount. That is what is stated in this clause. When the Collector is satisfied about the genuineness of the case, it is fair that there should be a provision that the Collector *shall* pay the amount when the damaged stamp is produced."

* THE HON. SRI C. SUBRAMANIAM :—" ' May ' means ' shall '. I do not think any change is necessary. It is stated in the clause ' provided that in all cases where money is paid in cash, a deduction shall be made of one anna for each rupee ', etc. Therefore, when conditions are satisfied, the officer is bound to pay the amount. I do not think the amendment is necessary."

* SRI P. K. GOPALAKRISHNAN :—" It is stated in the clause ' after satisfying himself about their genuineness '. In such a case, what is the objection for the word ' shall ' to be there instead of 'may '? "

THE HON. SRI C. SUBRAMANIAM :—" ' May ' is the proper word. It means ' shall '."

* SRI P. K. GOPALAKRISHNAN :—" If the word ' may ' is there, there is a discretion left to the Collector. He may or may not pay. But if the word ' shall ' is there, it will be obligatory on the part of the Collector to pay the amount."

THE HON. SRI C. SUBRAMANIAM :—" I am sorry I am unable to accept the amendment of the hon. Member Sri Gopalakrishnan."

MR. SPEAKER :—" The question is—

"In line 4, *for* the word " may " *subustitute* the word " shall ".' "

The amendment was put and lost.

Clause 78 was put and carried.

Clause 79 was put and carried.

Clause 80.

MR. SPEAKER :—" The question is—

' That clause 80 do stand part of the Bill '. "

SRI S. S. KOLKEBAIL :—" I beg to move—

' *In clause* 80 (1) (*d*) for *the word* " *English* " *in line* 1, substitute *the word* " *Hindi* ", *and* for *the words* " *in the local language or languages* " *occurring in line* 2, substitute *the words* " *in the State language and local languages* ".

In clause 80 (2), after *the words* " Fort St. George Gazette " *in line* 3, add *the words* " *and after placing them on the table of the House for a period of one month* ".' "

The amendments were duly seconded.

SRI S. S. KOLKEBAIL :—" Clause 80 (*d*) says ' the display in each court of a table in the English and in the local language or languages showing the fees payable for the service and execution of processes.' My first amendment seeks to drop the word ' English '. Under the Constitution we are told that English should be replaced within a period of fifteen years. Still if we stick on to the word ' English ' in the laws which are being passed and which we are going to pass, I am afraid, we are not going to replace English at all. That is why I say that instead of the word ' English ' the word ' Hindi ' and instead of the words ' in the local language or languages ' " in the State language and local languages ' should be substituted. That will be quite consistent with the Constitution. So, I think there will be no objection by the Government for accepting this amendment of mine.

" With regard to my other amendment, clause 80 states that the rules shall be subject to confirmation by the State Government. I want to add ' after placing them on the table of the House for a period of one month '. This is a reasonable amendment. In most of the Acts which we are passing, now-a-days we are having a clause like this. At the Select Committee stage I think it must have been either forgotten or left out."

THE HON. SRI C. SUBRAMANIAM :—" It was not forgotten. It was considered."

SRI S. S. KOLKEBAIL :—" This is an important point. Any rules the Government are going to notify must be placed on the table of the House. Otherwise, there is no meaning. Recently we have constituted a commitee called Subordinate Legislation

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Committee. That Committee gets power to review these rules only if they are placed on the table of the House. Otherwise, the Committee cannot review the rules and report to this House. Naturally, the executive will take more powers than what is exactly intended by the Legislature. So, I do not think there will be any objection by the Government to accept this amendment also.''

* THE HON. SRI C. SUBRAMANIAM :—'' Sir, clause 80 relates to the power of the High Court to make rules. I do not think there is any necessity to place the rules on the table of the House and then give effect to them. Therefore, I oppose the amendment.''

SRI S. RAMALINGAM :—'' If the rules are placed before the House, there will be an opportunity for discussion.''

* SRI M. NARAYANA KURUP :—'' If the Hon. Minister says that it is more out of respect to the High Court, I can understand . . . It is a matter subject to confirmation of the Government. Otherwise, we would have left the judiciary completely independent. Inasmuch as the Government is concerned in the matter and naturally we have a committee to go into delegated legislation and it has become invariably the accepted practice to place the rules before the House, I think the Government will accept the amendment.''

MR. SPEAKER :—'' The question is—

' In clause 80 (1) (*d*), *for* the word '' English '' in line 1, *substitute* the word '' Hindi '', and *for* the words '' in the local language or languages '' occurring in line 2, *substitute* the words '' in the State language and local languages.'' ' ''

The amendment was put and lost.

MR. SPEAKER :—'' The question is—

' In clause 80 (2), *after* the words '' *Fort St. George Gazette* '' in line 3, *add* the words '' and after placing them on the table of the House for a period of one month.'' ' ''

The motion was declared lost.

As a poll was demanded, the Division bell was rung.

SRI S. S. KOLKEBAIL :—'' Sir, we are not pressing for a division.''

The amendment was put and lost.

Clause 80 was put and carried.

Clause 81.

MR. SPEAKER :—'' The motion is—

' That clause 81 do stand part of the Bill.' ''

–52–50 p.m. SRI S. S. KOLKEBAIL :—" I move the following amendment :—

' *In sub-clause* (2), after *the words* " *and on such publication* " add *the following words* :—

" *and after placing the same on the table of the House for a period of one month.*" ' "

The amendment was duly seconded.

* SRI S. S. KOLKEBAIL :—" The Hon. Minister has stated that he will accept my amendment to clause 82. But I am afraid there may not be any rules at all under clause 82. The most important rules have to be framed by the Board of Revenue. Those rules have to be confirmed by the Government. If those rules are not to be placed on the table of the House, virtually we are abdicating our rights to the Government. Then, they will have the right to legislate on these important points. So, I submit that the rules framed under this clause should be placed on the table of the House."

* THE HON. SRI C. SUBRAMANIAM :—" It is not a question of my refusing to place the rules on the table of the House. I can assure the hon. Member that every rule framed will be placed on the table of the House. The only thing is it need not be further scrutinised because this concerns routine matters like getting records, when they can be destroyed, etc.

" As far as clause 82 is concerned, I have already said that I am agreeing to the amendment."

SRI S. RAMALINGAM :—" Under clause 81, the Board of Revenue can frame rules regarding the fees chargeable for serving and executing processes issued by the Board of Revenue and by the Revenue Courts. These are all important matters."

The amendment was put and lost.

Clause 81 was put and carried.

Clause 82.

MR. SPEAKER :—" The motion is—

' That clause 82 do stand part of the Bill.' "

SRI S. S. KOLKEBAIL :—" Sir, I move the following amendment :—

' Renumber *clause* 82 *as clause* 82 (1) *and insert the following as sub-clause* (2) :—

" (2) *All notifications and orders made under this Act shall, as soon as possible, after they are made, be placed on the table of the Legislative Assembly for one month, and shall be subject to such modification whether by way of repeal or amendment as the Legislative Assembly may make during the session in which they are so laid, and such rules and notifications shall have the force of law only after the above period lapses and not till then.*" ' "

The amendment was duly seconded.

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THE HON. SRI C. SUBRAMANIAM :—" I accept the amendment subject to the following modifications :—

' *For* the words " notifications and orders ", the words "notifications and rules " be substituted.

Delete the words " and such rules and notifications shall have the force of law only after the above period lapses and not till then." ' "

The Government amendments were put and carried.

The amendment of Sri Kolkebail, as amended, was put and carried.

Clause 82, as amended, was put and carried.

Clauses 83 to 87 were put and carried.

SCHEDULE I.

MR. SPEAKER :—" The motion is—

' That Schedule I do stand part of the Bill.' "

SRI M. NARAYANA KURUP :—" I move the following amendment :—

' For *Article* 1, substitute *the following* :—

" 1. *Plaint or written statement pleading a set off or counter claim or memorandum of appeal presented to any Court—One anna per rupee.*" ' "

The amendment was duly seconded.

SRI S. RAMALINGAM :—" I move the following amendment :—

' For *Article* 1, substitute *the following* :—

" 1. *On the amount or the value of the subject-matter in dispute—One anna in the rupee.*" ' ".

The amendment was duly seconded.

SRI M. KALYANASUNDARAM :—" I move the following amendment :—

' *In Article* 1 (*iii*), *for* " *twelve annas* ", *substitute* " *eight annas* ".' "

The amendment was duly seconded.

SRI P. K. GOPALAKRISHNAN :—" I move the following amendment :—

' *In Article* 3, *items* (a) *and* (b), for *the word* " *one-half* " *wherever it occurs*, substitute *the word* " *one-fourth* ".' "

The amendment was duly seconded.

MR. SPEAKER :—" Schedule I as well as the amendments thereto are before the House fo[illegible]ussion."

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* SRI M. NARAYANA KURUP :—" I though that I would not have to move this amendment because this was closely inter-related to the principle of multiples fixed in the previous clause. I would not have moved it if it had been reduced. But inasmuch as it has not been reduced and since to-day the Hon the Finance Minister seems to be rather in a conciliatory mood, I hope that something will be done."

THE HON. SRI C. SUBRAMANIAM :—" I may tell the Hon. Member that I have again got into a stiff mood." (Laughter.)

* SRI M. NARAYANA KURUP :—" By making a simple amendment, the law becomes simple, understandable and equitable. I need not make a long speech now. I hope this amendment will find acceptance and in a way retrieve the position, the stiff attitude taken by the Hon. Minister with regard to valuation."

SRI V. R. KRISHNA AYYAR :—" It is true that this affects every class of suit. But the substantial classes of suits are already covered. Therefore, this amendment would only ameliorate the hardship already caused and I also submit that this will make the calculation simple and at the same time very useful. Therefore this amendment may be accepted."

SRI M. KALYANASUNDARAM :—" நாங்கள் கொடுத்திருக்கும் இரண்டு திருத்தங்களும் மிகவும் முக்கியமானவை. தொழிலாளி யாராவது வேலையிலிருந்து நீக்கப்பட்டால் கோர்ட்டில் கேஸ் தாக்கல் செய்து, தீர்ப்பு பெறவேண்டுமானால், தொழிலாளி கோர்ட்டு கட்டணம் செலுத்த வேண்டியிருக்கிறது. ஆகவே ஷரத்து 25-ல் ரூ. 400 என்பது குறிப்பிட்டிருப்பதற்குப் பதிலாக ரூ. 200 என்று மாற்றியமைக்க வேண்டுமென்று வற்புறுத்த விரும்புகிறேன்."

SRI S. RAMALINGAM:—" சொத்தின் மார்கெட் மதிப்பு ரூ. 10,000-க்கு மேலே இருந்தால் கோர்ட்டு கட்டணம் கட்ட வேண்டியிருக்கிறது. இது மிகவும் அதிகமாக இருக்கிறது. இதற்கு கவர்னரின் அனுமதி கோரப்பட்டிருக்கிறதா என்று அறிய விரும்புகிறேன்."

MR. SPEAKER :—" We are now discussing only Schedule I."

SRI S. RAMALINGAM :—" Then, I request the Hon. the Finance Minister to accept the amendment."

1 p.m. * SRI P. K. GOPALAKRISHNAN :—" We want to find out whether the Government is taking a conciliatory attitude or not on this issue. We want to know whether Government would reduce the percentage from $7\frac{1}{2}$ per cent to at least $6\frac{1}{4}$ per cent, that is, one anna for every rupee. If Government do not accept the amendment to have the percentage fixed at $6\frac{1}{4}$ per cent, then that means Government are taking a stiff attitude. Further we will consider this Bill as a money Bill and as a taxation measure. In view of the conciliatory attitude that they have been taking with reference to money provisions in this Bill, I hope the Hon. Finance Minister will reduce the percentage from $7\frac{1}{2}$ per cent to at least $6\frac{1}{4}$ per cent. Even though we might have wished him to reduce it to 5 per cent at least we think he would accept the reasonable percentage of $6\frac{1}{4}$ per cent."

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SRI T. C. NARAYANAN NAMBIAR :—" When the Hon. Finance Minister speaks on the floor of the House, even though he is stiff to the hon. Members in the Opposition, he is very conciliatory towards the demands of the masses. Therefore I would suggest that the amendment fixing the percentage at 6¼ per cent may be accepted by him."

* THE HON. SRI C. SUBRAMANIAM :—" I am sorry I am not able to make any deduction. We have already considered this question. It is not a question of bargaining whether to have 7½ per cent or 6¼ per cent. I do not think we could bargain like that. I have already reduced the amount from Rs. 400 to Rs. 300 in certain classes of suits. Thirty times the survey assessment of the land has been fixed as the fee in respect of land suits. Therefore I am sorry I cannot accept any of the amendments."

MR. SPEAKER :—" The question is—

' *For* Article 1, in Schedule I, *substitute* he following :—

" 1. Plaint or written statement pleading a set off or counter claim or memorandum of appeal presented to any Court—One anna in the rupee." ' "

The amendment was put and declared lost. A poll was demanded and the House divided thus :

Ayes—23.

Sri S. Swayamprakasam.
,, K. Vinayagam.
,, E. L. Raghava Mudaliar.
,, N. Ratna Gounder.
,, P. Rangaswami Reddiar.
,, T. Shunmugam.
,, A. Govindasamy Nayagar.
,, S. P. Thangavelu.
Dr. K. B. Menon.
Sri M. Narayana Kurup.
,, K. T. Sreedharan.
,, S. S. Kolkebail.
Sri M. Narayanan Nambiar.
,, K. Moidu.
,, M. Kalyanasundaram.
,, T. C. Narayanan Nambiar.
,, K. T. Raju.
,, S. Ramalingam.
,, V. R. Krishna Ayyar.
,, P. K. Gopalakrishnan.
,, N. Sivaraj.
,, E. T. Kunhan,
,, M. Manickasundaram.

Noes—34.

The Hon. Sri C. Subramaniam.
Sri K. Rajaram Naidu.
,, B. Bhakthavatsalu Naidu.
,, B. K. Nallaswami.
,, N. Mounaguruswami Naidu.
,, S. R. Arumugam.
,, P. G. Manickam.
,, M. S. Selvarajan.
,, N. Ramakrishna Ayyar.
,, O. Venkatasubba Reddi.
,, M. R. Ramachandran.
,, S. Panchaksharam.
,, H. M. Jagannathan.
,, A. Ramachandra Reddiar.
,, R. Thangavelu.
,, V. Muthu.
,, S. Arumugam Pillai.
Sri O. Chengam Pillai.
,, V. Krishnaswami Padayachi.
,, K. Parthasarathy.
,, M. Jagannathan.
,, P. S. Krishnaswami Ayyangar.
,, G. Govindan.
,, AR. A. RM. Chokkalingam Chettiar.
,, P. B. K. Rajachidambaram.
,, J. L. P. Roche Victoria.
,, P. Selvaraj.
,, M. Chinnathambi Thevar.
,, K. P. Kuttikrishnan Nayar.
,, S. Somasundara Goundar.
,, N. Gopala Menon.
,, T. Manavalan.
,, K. R. Viswanathan.
,, M. Dharmalingam.

Ayes—23; Noes—34; Neutral—Nil.

The amendment was lost.

1-10 a.m. MR. SPEAKER :—" The question is—

' *For* Article 1, *substitute* the following :—

" 1. On the amount or the value of the subject-matter in dispute—One anna in the rupee." ' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' In Article 1 (iii), *for* " twelve annas " *substitute* " *eight* annas ".' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' In Article 3, items (*a*) and (*b*), *for* the word " one-half " wherever it occurs, *substitute* the word " one-fourth ".' "

The amendment was put and lost.

Schedule I was put and carried.

SCHEDULE II.

MR. SPEAKER :—" The motion is—

' That Schedule II do stand part of the Bill.' "

SRI P. K. GOPALAKRISHNAN :—" Mr. Speaker, I move the following amendments (157 to 172) standing in my name :—

' *In Article* 1 (i), for *the word* " *Ten* " substitute *the word* " *Five* ".

In Article 2, for *the words* " *One rupee* ", substitute *the words* " *Eight annas* ".

In Article 7, *item* (*a*), for *the word* " *Twelve* ", substitute *the word* " *Eight* ".

In Article 7, *item* (*b*), for *the words* " *One rupee and eight annas* ", substitute *the words* " *One rupee* ".

In Article 7, *line* 12, *column* 3, for *the word* " *Five* ", substitute *the word* " *Four* ".

In Article 8, *item* (*b*) for *the word* " *Twelve* ", substitute *the word* " *Eight* ".

In Article 9, for *the word* " *Twelve* ", substitute *the word* " *Eight* ".

In Article 10, *item* (a), for *the word* " *Four* ", substitute *the word* " *Two* ".

In Article 10, *item* (b), for *the word* " *Four* ", substitute *the word* " *Two* ".

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In Article 10, *item* (c), for *the word* " *Twelve* ", substitute *the word* " *Eight* ".

In Article 11, *item* (*a*), for *the word* " *Four* ", substitute the *word* " *Two* ".

In Article 11, *item* (*d*), for *the word* " *Twelve* ", substitute *the word* " *Eight* ".

In Article 11, *item* (*e*), for *the words* " *One rupee* ", substitute *the words* " *Eight annas* ".

In Article 11, *item* (*s*), for *the word* " *Twenty-five* ", substitute *the word* " *Twenty* ".

In Article 12, for *the word* " *Twelve* ", substitute *the word* " *Eight* ".

In Article 14, *item* (*ii*), for *the word* " *Twelve* ", substitute *the word* " *Eight* ".' "

Sri K. T. RAJU :—" I second the amendments, Sir."

Sri M. KALYANASUNDARAM :—" Mr. Speaker, I move the following amendments (262 to 271 and 273 to 278) standng in my name :—

' *In Article* 5, *line* 10, for " *Eight annas* ", substitute " *Four annas* ".

In Article 6, for " *Eight annas* ", substitute " *Four annas* ".

In Article 7 (*a*), for " *Twelve annas* ", substitute " *Eight annas* ".

In Article 10 (*a*), for " *Four annas* ", substitute " *Two annas* ".

In Article 10 (b), for " *Four annas* ", substitute " *Two annas* ".

In Article 10 (*c*), for " *Twelve annas* ", substitute " *Two annas* ".

In Article 10 (d), for " *Four annas* ", substitute " *Two annas* ".

In Article 10 (*e*), for " *Four annas* ", substitute " *Two annas* ".

In Article 11 (a), for " *Four annas* ", substitute " *Two annas* ".

In Article 11 (*b*), for " *Four annas* ", substitute " *Two annas* ".

In Article 14 (i), for " *Four annas* ", substitute " *Two annas* ".

In Article 14 (*ii*), for " *Twelve annas* ", substitute " *Two annas* ".

In Article 15, for " *Twelve annas* ", substitute " *Eight annas* ".

In Article 16 (*i*), for " *One rupee and eight annas* ", substitute " *Eight annas* ".

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In Article 16 (*ii*), for " *Two rupees* ", substitute " *Eight annas* ".

In Articles 16 (*iii*) *and* 16 (*iv*), for " *Three rupees* ", substitute " *One rupee* "." "

SRI S. RAMALINGAM :—" I second the amendments, Sir."

SRI S. RAMALINGAM :—" Mr. Speaker, I move the following amendments (192, 193 and 196) standing in my name :—

' *In Article* 10 (*a*), for " *Four* ", *substitute* " *Two* ".

Omit " *Article* 10 (*b*), 10 (*c*) and 10 (*d*) ".

In Article 11 (*s*), for " *Twenty-five* ", *substitute* " *Five* ".' "

SRI M. KALYANASUNDARAM :—" I second the amendments, Sir."

SRI T. C. NARAYANAN NAMBIAR :—" Mr. Speaker, I move the amendment (249) standing in my name, viz. :—

' For *the words* " *Twenty-five rupees* ", substitute ***the words*** " *Two rupees* ".' "

SRI K. T. RAJU :—" I second the amendment, Sir."

MR. SPEAKER :—" Schedule II and the amendments moved thereto are now before the House for discussion."

* SRI S. RAMALINGAM :—" கனம் சபாநாயகர் அவர்களே, இந்த ஷரத்தில் எவ்வளவு கோர்ட் கட்டணம் கட்டவேண்டுமென்று குறிப்பிடப்பட்டிருக்கிறது. அதன்படி இந்த 10-வது (ஏ) என்பதிலே,

' Application or petition presented to any officer of land revenue by any person holding temporarily settled land under direct engagement with Government and when the subject-matter of the application or petition relates exclusively to such engagement.'

டெம்பரரி செட்டில்மெண்டான நிலங்களைப்பற்றி ஏழை விவசாயிகள் ரெவின்யூ அதிகாரிகளிடம் ஏதாவது மனுகொடுக்கவேண்டுமானால், அதற்கு 4 அணா செலுத்தவேண்டுமென்று இருக்கிறது அதை 2 அணாவாகக் குறைக்கவேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன்.

' Application or petition presented to any officer of land revenue relating to the grant of land on darkhast.'

" சர்க்கார் தங்களுக்கு சாகுபடிக்குப் புறம்போக்கு நிலங்களைக் கொடுக்கவேண்டுமென்று நிலமில்லாத ஏழை விவசாயிகள் மனு போட வேண்டுமானால் அதற்கு 4 அணா ஸ்டாம்பு ஒட்டவேண்டியிருக்கிறது. அப்படி ஒட்டத்தவறிவிட்டால் அவர்களுடைய மனுவை கவனிக்கமாட்டார்கள். கவனிக்காததோடு மட்டுமல்ல, அதைப்பற்றி எவ்வித பதிலும் போட மாட்டார்கள். இவ்வாறு 4 அணா எட்டணாவேண்டுமென்று தெரியாமல் போடப்பட்ட பல மனுக்கள் சர்க்காரிலுள்ள ரெவின்யூ அதிகாரிகளால் மறுக்கப்பட்டிருக்கின்றன. கேள்வி நேரத்தில்கூட கனம் ரெவின்யூ மந்திரி அவர்கள் பதில் சொல்லும்போது, ஒரு வருஷத்தில் 4 ஏக்கர் நிலங்களே கொடுக்கப்பட்டிருக்கிறது என்று சொன்னார்கள். அப்படி இருக்கும்போது அவர்களை 4 அணா ஸ்டாம்பு ஒட்டவேண்டுமென்று சொல்லக்கூடாது. 4 அணா ஸ்டாம்பு ஒட்டுவது பெரிதல்ல. ஆனால் அவர்களுக்கு நாம் இங்கு சட்டம் செய்கின்றோம், அப்படி ஸ்டாம்பு ஒட்டவேண்டுமென்பதெல்லாம் தெரியாது. அப்படித் தெரியாது செய்தாலும் அதைப்பற்றி ஒன்றும் கவனிக்காமல் விடப்படுகிறது. அப்படி 4 அணா ஒட்டவேண்டுமென்று அதிகாரிகள் சொல்வார்களா என்றால், அவர்களும் சொல்லமாட்டார்கள். 11 மணிக்கு

31st March 1955] [Sri S. Ramalingam]

தாசில்தார் ஆபீசில் இருக்கக்கூடிய பியூன் யார் மனுக்கொடுக்கிறார்களோ, அவர்கள் மனுக்களைக் கொடுக்கலாம் என்று ஒரு சப்தம் போடுவான். விவசாயிகளும் அவர் அவர்களுடைய மனுக்களைக்கொடுத்துவிட்டுப் போய் விடுவார்கள். அவர்களுக்கு இம்மாதிரி ஸ்டாம்புகள் ஒட்டவேண்டுமென்பதெல்லாம் தெரியாது. பதிலுக்காக காத்துக்கொண்டிருப்பார்கள். அவர்களுக்கு இப்படியெல்லாம் கோர்ட்-பீ ஸ்டாம்பு ஒட்டவேண்டுமென்று தெரியாது, அதற்காக இந்தச் சட்டசபையிலே சட்டம் செய்கின்றோம் என்பதும் தெரியாது. ஆகவே இதை எடுத்துவிடவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

'Application to a Collector for lease of land for agricultural or non-agricultural purposes.'

அதேபோல இரண்டு மூன்று வருஷங்களுக்கு நிலத்தை சாகுபடி செய்வதற்காக கலெக்டரை லீஸ் செய்து கொடுக்கும்படி கேட்டுக்கொள்ள விண்ணப்பம் போடும்போதும், அதற்காக 12 அணா ஸ்டாம்பு ஒட்டவேண்டுமென்று இருக்கிறது. அதையும் எடுத்துவிடவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். இதனால் சர்க்காருடைய நிதி ஒன்றும் முடங்கிப்போய்விடாது.

'Application or petition presented to any Executive Officer under any Act for the time being in force for the conservancy or improvement of any place if the application or petition relates solely to such conservancy or improvement.'

"அதேபோல் ஏதாவது ஒரு இடத்தை அபிவிருத்திசெய்ய வேண்டுமானால், அதற்கும் 4 அணா ஒட்டி மனுபோடவேண்டுமென்று இருக்கிறது. அதையும் எடுத்துவிடவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

'Application or petition presented to any Board or Executive Officer for a copy or translation of any order passed by such Board or officer or of any other document on record in such office.'

"அதேபோல் அதிகாரிகளால் போட்டிருக்கக்கூடிய உத்திரவுகளின் காப்பி கொடுக்கவேண்டுமென்று விண்ணப்பித்துக்கொள்ளும்போது, அதற்கும் 4 அணா ஸ்டாம்பு ஒட்டவேண்டுமென்றிருக்கிறது. முன்னாலே அது இரண்டணாவாகத்தான் இருந்தது. அதை என் அதிகப்படுத்தி இருக்கிறார்களோ தெரியவில்லை. அதையும் இரண்டணாவாக்கி, முன்னிருந்த நிலைக்கு கொண்டுவரவேண்டுமென்று சேட்டுக்கொள்ளுகிறேன்.

'Application or petition presented to any Court for a copy or translation of any judgment, decree or any proceeding of or order passed by such Court or of any other document on record in such Court.'

"அதேபோல் கோர்ட்டுக்கு ஜட்ஜ்மெண்ட் காப்பியோ, அல்லது அதன் மொழிபெயர்ப்போ சமர்ப்பிக்கவேண்டுமானாலும், அதற்கும் 4 அணா ஸ்டாம்பு ஒட்டவேண்டியிருக்கிறது. அதோடு ஏதாவது டிகிரியின் காப்பியையோ அல்லது வேறு ஏதாவது உத்திரவுகளையோ சமர்ப்பிக்கவேண்டுமானாலும் ஒவ்வொன்றிற்கும் 4 அணா ஸ்டாம்பு ஒட்டவேண்டியிருக்கிறது. இது ரொம்பவும் அதிகம். ஆகவே அதையும் இரண்டணாவாக ஆக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். அப்படி இரண்டணாவாக ஆக்குவதால் சர்க்காருக்கு பெரிய நஷ்டமொன்றும் வந்துவிடாது; அதையும் குறைத்துக்கொள்ளலாம்.

"அடுத்ததாக, வகாலத்துக்காக முன்பு ஒரு ரூபாய் கட்டவேண்டுமென்று இருந்தது. இப்போது அது ஒன்றரை ரூபாயாக உயர்த்தப்பட்டிருக்கிறது. அதனால் விவசாயிகளுக்குத்தான் அதிக கஷ்டமேற்படுகிறது. அவர்கள்தான் பெரிதும் பாதிக்கப்படுவார்கள். அதையும் ஒன்றரை ரூபாயிலிருந்து ஒரு ரூபாயாகக் குறைத்துக்கொள்ளவேண்டும்.

"அடுத்ததாக, இதுதான் ரொம்பவும் முக்கியமானது. அதாவது ஆர்டிகிள் 11-ல் எஸ் பிரிவு—

'Petition to the High Court under Article 226 of the Constitution for a writ other than the writ of *Habeas Corpus* or a petition under Article 227 of the Constitution.'

"இதற்கு 25 ரூபாய் ஸ்டாம்பு ஒட்டவேண்டுமென்று சொல்லுகிறார்கள். அரசியல் நிர்ணயச் சட்டப்படி தங்களுடைய பிரஜா உரிமைகளை பாதுகாத்துக்கொள்வதற்கு ஹைகோர்ட்டில் ரிட் பெடிஷன் போடவேண்டுமென்றால், அதற்கு 25 ரூபாய் கட்டவேண்டுமென்றிருக்கிறது. எங்களுடைய தஞ்சாவூர் ஜில்லாவிலே பண்ணையாள் பாதுகாப்புச் சட்டம் கொண்டுவரப் பட்டிருககிறது. அதிலே பண்ணையாட்கள், சாதாரண குத்தகைக்காரர்கள் இருக்கிறார்கள். அவர்களுடைய விஷயங்களை சில சமயங்களில் சரியாக கவனிக்கப்படாததாலோ, அல்லது வேறு காரணங்களினாலோ உரிமை மறுக்கப்பட்டால், அவர்கள் ஹைகோர்டில் ரிட் பெடிஷன் போடவேண்டும். அவர்களை ரூ. 25 செலுத்தி தங்களுடைய உரிமைகளை பாதுகாத்துக் கொள்ளவேண்டும் என்றால், தங்களுடைய் உரிமைகளை நிலைநாட்டிக்கொள்வதற்குக்கூட இவ்வளவு பெரிய தொகையால் பயந்துவிட்டு விடுகிறார்கள். எற்கனவே 2 ரூபாய் என்றுதான் இருந்தது. பின்னர் ரூ. 20 என்று சொல்லப்பட்டது. கடைசியாக மசோதா கொண்டுவந்தபோது ரூ. 100 என்று ஆக்கினார்கள். ஒருவன் இவ்வளவு ரூபாய் கொடுத்து மனுச் செய்துகொள்வது மிகக்கடினமென்று செலக்ட் கமிட்டியில் வாதாடி ரூ. .25 ஆக்க் குறைக்கப்பட்டது. இன்னும் 5 ரூபாய் என்று செய்தால், பொதுவாக எல்லா ஏழை விவசாயிகளும் தங்களுடைய உரிமைகளை பாதுகாத்துக்கொள்ள முன்வருவார்கள். ஆகவே இதிலே சற்று கவனம் செலுத்தி 5 ரூபாயாகக் குறைத்துக்கொள்ளும்படி கேட்டுக்கொள்ளுகிறேன்."

SRI T. C. NARAYANAN NAMBIAR :—"Mr. Speaker, by merely declaring that the fundamental rights of the citizens are guaranteed and that the Government are anxious to see that those fundamental rights of the people are respected, it will not do any good. The criterion, or the '*Nihasham*' as it is called in Sanskrit meaning the touchstone used to find out whether a particular metal was gold, to find out whether they are really anxious to safeguard the fundamental rights of the citizens is to note the attitude of the Hon. the Minister for Law who is also the Leader of the House towards the amendments moved by the hon. Members of this House. My submission is that the average income of an Indian is so low that it may not be even Rs. 5 per mensem in the case of some people. The fee in respect of petitions to High Court under Article 226 of the Constitution was previously Rs. 2. In the Bill when it was first introduced here, this fee was raised to Rs. 100. In spite of the resistance on the part of the Government, this was reduced in the Select Committee stage to Rs. 25."

THE HON. SRI C. SUBRAMANIAM :—"Why should the hon. Member say 'in spite of the resistance on the part of the Government'? If the Government had resisted, it could not have been reduced."

SRI T. C. NARAYANAN NAMBIAR :—"Of course, there was resistance. Finally they were compelled to accept the amendment. That is my submission, Sir. By my amendment which I have moved just now I want that this should be further reduced to Rs. 2.

1-20 p.m. "Therefore I request that the Government should enable people, really poor people, to go before a court of law and establish their fundamental rights. I know the Hon. Minister can understand this even without a speech from me. He very well understands the plight of the poor people. Take for instance the case

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of a poor school teacher. By an order passed in 1950, it was said that elementary school teachers can become members only of such Teachers' Unions as are recognized by the Director of Public Instruction. An elementary school teacher who gets only a salary of Rs. 11 a month had to go to a court of law to establish his fundamental right to become a member of any Teachers' Association. Formerly he had to spend only a little money to establish that right. Now this increase in the fees is an encroachment on his fundamental right as he cannot go before a court of law paying such large sums of money. The fundamental rights of citizens are being encroached upon in many ways by the landlords and other classes in the countryside. Therefore I hope the Hon. Minister will accept my reasonable amendment."

* SRI P. K. GOPALAKRISHNAN :—" There is an enhancement, Sir, in several items. Let me refer to a few of them. For petitions in a suit under the Native Converts' Marriage Dissolution Act, 1866, the present rate of Rs. 5 has been enhanced to Rs. 10. For ' undertaking under section 49 of the Indian Divorce Act, 1869 ', the present fee of annas 8 has been enhanced to Re. 1. Then ' copy of a decree or order having the force of a decree when such decree or order is made by any court other than the High Court, if the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees,' the present fee of 8 annas has been increased to 12 annas. If such amount or value exceeds fifty rupees, the fee is raised to Rs. 1–8–0 from the present rate of Re. 1. Again when such decree or order is made by the High Court, the present fee of Rs. 4 has been enhanced to Rs. 5. Under item (8), the fee has been enhanced to 12 annas from the present rate of 8 annas. Under item (9) the existing rate of 8 annas has been enhanced to 12 annas."

THE HON. SRI C. SUBRAMANIAM :—" Everybody knows it. Why go on repeating all that."

* SRI P. K. GOPALAKRISHNAN :—" I want to point out to the general enhancement made under all items only, because the Government were claiming that it is not a taxation measure. Only if you go through the different items you will find there is enhancement in general. That being so, this is definitely a taxation measure and the claims of the Government that this is not a taxation measure fall to the ground. For want of time, I am not able to refer to the other items. By this enhancement only the poor, oppressed people are put to trouble. If the Government cannot lower the existing rates, they should see that the existing rates are not enhanced. I hope the Government would consider this seriously and keep the rates at the existing level. With these words I commend at least some of the more important amendments for the acceptance of the Government."

SRI V. R. KRISHNA AYYAR :—" Mr. Speaker, Sir, I shall not take much time. I will just refer only to a few points. One thing which will bear repetition is about the constitutional remedies. It is common knowledge that these guarantees under the

Constitution will become paper guarantees unless they are open and available for every man who is harassed or whose freedom is taken away to go to a court of law and have it redressed. That means in the spirit of the Constitution and in tune with the objectives of the framers of the Constitution we must see that a light fee, if at all a fee is necessary in such cases, should be fixed for purposes of moving writs under the Constitution Act. But what do we find here. A progressive increase is implemented which means people seem to be somewhat suspicious about the guarantees given under the Constitution. Why should common people be benefited by these guarantees? Why should they be enabled to go to court every day with writ petitions? That appears to be the attitude. That attitude according to my submission is opposed to the spirit of the Constitution. The best way to implement the fundamental rights chapter is only by making the court-fee and other procedural laws, cheap and easy for the common people, ordinary people to go to court and establish their fundamental rights.

" Take for instance the case cited by the hon. Member Sri Narayanan Nambiar. A teacher gets only a small amount. He may conceivably be getting Rs. 5 or Rs. 10 a month. When he was referring to the case of such a teacher, the Hon. Minister was heard to say : ' Such people cannot go to court '. But then, I suggest the Constitutional remedies are not confined to the rich people alone. The rich can go to civil courts and get remedies. But it is only the poor, the oppressed, who suffer. Their freedoms are taken away. It is such people who must be enabled to go to court and seek remedies by way of writ and it is for such people that we want the reduction of the court-fees. This increase to Rs. 25 is quite unjustifiable and is entirely opposed to the spirit of the Constitution. It should be reduced to the original level of Rs. 20 if not lower still.

" Another point is this. It may be said that the Government have raised the fees for application of copies only by 2 annas. But my submission is there will be umpteeing occasions in the course of appeals and other things when a party may have to apply for copies of documents and that would mean paying so many times the increased fee of 4 annas, instead of 6 annas we pay 12 annas and instead of Re. 1 we pay Re. 1–8–0. All these driblets will then make a mightly big thing. At the end of the litigation as my hon. Friend said ' കാശെല്ലാം പോയി, കേസ്സെല്ലാം മനസ്സിലായി. ' that will be the position. It is not as if the original fees he pays alone counts. All these small amounts although they may be pricking you a little at the moment counts a lot in the course of litigation, and the party loses quite a lot of money in all these things. That is why we say there should not be these small increases even. That kind of thing should not be resorted to because ordinary people in the course of litigation may have to apply for such things number of times.

" Then, Sir, the ' vakalat ' fees has been increased from Re. 1 to Re. 1–8–0. This seems to be only a slight increase. But every time the man who wants to engage a vakil has to pay this additional

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fee. A poor man may not be able to pay this increased fees. This increase, seemingly small strikes at the common man's power to conduct litigation and seek redress in courts of law. This is just like the court being made the temple where exploitation by the priests is going on. The rural priest goes on increasing his rates for 'Sahasranamam' so much, for this so much and so on, with the result the ordinary man is not able to enter the temple. The temples of justice, I suggest, should not be made so hard a place for ordinary, poor people to enter. They must be enabled to go there and get redress and justice. For that the Government must charge only the least or adequate fees. They should not be taxed beyond that. But what we find here is to increase the fee at every turn. That is very wrong in spirit. I think it is the man in the street who will suffer by these increases. The rich man may pay four annas instead of 2 annas but not the poor man."

MR. SPEAKER :—" It is 1-30 now. Shall we continue or adjourn now and continue further discussion on this Schedule during the night sitting."

THE HON. SRI C. SUBRAMANIAM :—" We will sit for 15 more minutes and finish the Schedules and clauses 1 and 2."

MR. SPEAKER :—" As soon as the schedule under discussion is passed we shall take up Schedule III. It can be passed in no time as there are no amendments. Then we shall take up clauses 1 and 2 and pass them. Let us have the third reading of the Bill during the night sitting."

SRI M. KALYANASUNDARAM :—" Anyhow we are going to sit in the night to-day. We shall continue the discussion tonight and adjourn now, and meet again at 8 p.m."

THE HON. SRI C. SUBRAMANIAM :—" It will be better if we meet at 8-30 p.m. instead of 8 p.m."

MR. SPEAKER :—" Yes. The House will now adjourn and meet again tonight at 8-30 p.m."

The House then adjourned.

(Night sitting—8-30 p.m.)

SCHEDULE II—*cont.*

SRI M. KALYANASUNDARAM :—" கனம் சபாநாயகர் 8-30
அவர்களே, இரண்டாவது ஷெடியூல்லிலே மொத்தமாக எல்லா கோர்ட்டு p.m.
கட்டணங்களையும் உயர்த்தப்பட்டிருக்கிறது என்பதை கனம் நிதி அமைச்சர் அவர்களே ஒப்புக்கொண்டிருக்கிறார்கள். அப்படி உயர்த்தப் பட்டிருப்பது சில சாதாரண ஜனங்களை பாதிக்கக்கூடியதாக இருக்கிறது. அதோடுகூட அரசியல் சட்டப்படி கொடுத்திருக்கக்கூடிய உரிமையை எல்லோரும் அனுபவிப்பதற்குத் தடையாகவும் இருக்கிறது. அந்த விகிதங்களைக் குறைக்கவேண்டுமென்பதற்காகத்தான் நான் திருத்தங்கள் கொடுத்திருக்கிறேன். அதைக் கவனிக்கவேண்டும். உதாரணமாக, கான்ஸ்டிடியூஷனின் 226-வது ஆர்டிகிள்படி ஹைகோர்டிலே போடவேண்டிய ரிட் பெடிஷனுக்கு ரூ. 25 என்று கட்டணம் உயர்த்தப்பட்டு இருக்கிறதென்பதை இந்தக் பக்கத்தில் இருக்கக்கூடிய அங்கத்தினர்கள் எடுத்துக் காட்டினார்கள். ஆரம்பத்தில் இதற்கு ரூபாய் இரண்டு என்றுதான் இருந்தது. சர்க்காருக்கு என்ன எண்ணம் ஏற்பட்டதென்றால், அதிகமாக ஜனங்கள் ரிட் பெடிஷன் போடுகிறார்கள். இது சுலபமாகப் போய்விட்டது. ஆகவே

ரிட் பெடிஷன் போடுவதை குறைக்கவேண்டுமென்ற காரணத்திற்காக கட்டணத்தை உயர்த்தலாம் என்ற எண்ணம் உண்டாயிற்று. பிறகு உடனே ரூ. 20 என்று சொன்னார்கள். கடைசியாக ரூ. 100 என்றிருக்கவேண்டுமென்று சொல்லப்பட்டது. செலக்ட் கமிட்டியில் இந்த மசோதாவானது பரிசீலிக்கப்பட்டு இப்போது ரூ. 25 என்று வந்திருக்கிறது. இந்த ரூ. 25-ம் அதிகமானது. அதை ரூ. 5-ஆகக் குறைக்கவேண்டுமென்றுதான் நானும் திருத்தம் கொடுத்திருக்கிறேன். அப்படி ஐந்து ரூபாயாகக் குறைப்பதாலே சர்க்காருக்கு ஒருவேளை வருமானம் குறையலாம். ஆனால் இப்போது செய்திருப்பதானது, இந்த வலதுகையால் கொடுக்கப்பட்டு, இடதுகையால் உடனே பறிக்கப்படுவதைப் போல் இருக்கிறது. அந்தக் குற்றச்சாட்டிற்கு ஆளாகாமல் இருக்கவேண்டுமானால், இதில் வருமானத்தையோ, லாபநஷ்டத்தையோ பார்க்கக்கூடாது. ஓரளவிற்கு இந்த ரிட் பெடிஷன் போடுவதற்கு பிரஜா உரிமையின் அடிப்படையை நியாயமாக ஜனங்கள் அனுபவிக்க, அரசியல் சட்டத்திலே கொடுக்கப்பட்டுள்ள உரிமைகளை மக்கள் அனுபவிக்க அவர்கள் ஹைகோர்ட்டிலே ரிட் பெடிஷன் போடுவதற்கான வழிகளை சுலபமாக ஆக்குவதற்கான வழிகளைச் செய்யவேண்டும். சாதாரணமாக, யாரும் ஹைகோர்ட்டுக்குச் சென்று ரிட் பெடிஷன் போட்டு நேரத்தை வீணாக்கவிரும்பமாட்டார்கள். அப்படி அனாவசியமாக யாரும் எடுத்துக்கொண்டும் செல்லமுடியாது. ஹைகோர்ட்டிலே நீதிபதிகள் அவைகளைச் சுலபத்தில் அனுமதிப்பதில்லை. அவைகளை முதலில் அனுமதிப்பதற்கு பெரிய கஷ்டங்களும், இடையூறுகளும் இருக்கின்றன. அவ்வளவு சுலபமானதல்ல. ஆகவே கட்டணத்தை உயர்த்தாமல், அவர்களுக்கு மேலும் அதிகச் சிரமத்தை உண்டாக்காமல் சர்க்கார் பார்த்துக்கொள்ளவேண்டும்.

"சாதாரணமாக, சில ஆர்டிகிள்களிலே கொடுக்கப்பட்ட உரிமைகளை ஹைகோர்ட்டுக்குச் சென்று பாதுகாத்துக்கொள்ளக்கூட முடியாமல் இருக்கிறது. ஆர்டிகிள்களிலே ஒவ்வொருவருக்கும் வேலைக்கு பிரஜா உரிமை வழங்கப்பட்டிருந்தாலும்கூட, அவர்கள் மேலும் ஹைகோர்டுக்குச் சென்று அமுல்நடத்திக்கொள்ளக்கூடிய அளவில் இல்லை. அந்தச் சலுகையை அவ்ர்கள் பெறமுடியாத அளவிற்குத்தான் இந்த ஆர்டிகிள்கள் அமைக்கப்பட்டிருக்கின்றன என்பதை எடுத்துக்காட்ட விரும்புகிறேன். சாதாரணமாக, முதலாளிகளிடம் வேலைசெய்யக்கூடியவர்களோ, ஏன் சர்க்காரிலே வேலைசெய்யக்கூடியவர்கள்கூட சில சமயங்களில் அநியாயமாக டிஸ்மிஸ் செய்யப்பட்டு விடுகின்றனர். தவறுதலான உத்திரவுகள் போடப்பட்டு டிஸ்மிஸ் செய்யப்படுகின்றனர். இன்னும் நிர்வாகத் திறமையினால் அதிகாரிகள் புரியும் சில குற்றங்களுக்கு ஹைகோர்ட்டுக்குச்சென்று பரிகாரம் தேடிக்கொள்ளக்கூட முடியாமல் இந்த ஆர்டிகிள் பாதுகாப்பாக இருக்கிறது. சாதாரணமாக இதற்கெல்லாம் ரிட் போடுவதென்றால் அவைகளைச் சுலபமாகச் செய்யவேண்டும். இப்படிச் செய்வதால், அவர்கள் பிரஜா உரிமைகளைக்கூட பாதுகாத்துக்கொள்ள முடியாமல் இருக்கிறது. அப்படி இருக்கக்கூடியதைமாற்றி, அவர்களுக்கு அம்மாதிரி சிரமத்தைக் கொடுக்கக்கூடாது என்பதை இந்தச் சர்க்கார் விரும்புகிறது என்பதை காட்டிக்கொள்ள வேண்டுமானால், பொறுப்பிருக்கிறது என்பதை மக்களுக்குத் தெரிவித்துக்கொள்ள வேண்டுமானால் இந்தக் கட்டணங்களையெல்லாம் உயர்த்தியிருப்பதைக் குறைத்துக்கொள்ள முன்வரவேண்டும். அப்பொழுதுதான் சர்க்காருக்கு அரசியல் சட்ட உரிமைகளைப் பாதுகாப்பதில் ஒரு அக்கறை இருக்கிறது என்பதை மக்கள் உணரமுடியும். ஆகவே இந்தக் கட்டணங்களையெல்லாம் குறைக்கவேண்டுமென்பதை வற்புறுத்த விரும்புகிறேன். ரூபாய் ஐந்து என்று ஆக்கவேண்டுமென்று நான் திருத்தம் கொடுத்திருக்கிறேன். எனவே 25 ரூபாய் என்று உயர்த்தியிருப்பதை ரூ. 5 என்று குறைத்துக்கொள்ள வேண்டுமென்பதை வற்புறுத்துகிறேன்."

8-36 p.m. * THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, Sir, the criticisms centred round the provision of levying a court-fee of Rs. 25 for writ petitions. With great respect to the hon. Members on the other side, I am afraid I have to state that their criticism is too theoretical. If only hon. Members would go through the

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writ petitions which have been filed in our High Court after the coming into effect of the Constitution, they would find that the Government would be justified not only in levying Rs 25 but also Rs. 100 and even more. Sir, it is not as if it is the intention of the Government to see that this writ petition is not resorted to in justifiable cases. But unfortunately the tendency has been to go to the High Court with all sorts of pleas in the form of a writ petition. Therefore, it has been found necessary that at least a reasonable court-fee should be fixed. Hon. Members are also aware that for a person either in the mufassal or in the City who goes to the High Court for the purpose of filing a writ petition, the court-fee is not the main item of expenditure. It is something else. Therefore, the criticism that the Government have increased it to Rs. 25 and have attempted to increase it to Rs. 100 is not based on practical considerations. They have not taken into account the actual categories of writ petitions which are now ordinarily filed before the High Court. If only they would take the trouble—I am sure they would have taken it—and understand properly, they would recommend to the Government to raise it much higher even though one or two cases out of 1,000 may be requiring some relief. For that we need not lower the court-fees levied for writ petitions. We have guaranteed fundamental rights to the citizens of this country and by raising the court-fee for writ petitions, we are in no way affecting their fundamental rights. On the other hand, in my view, the Government should, as far as possible, see that those fundamental rights are not in any way affected and that they are properly guaranteed to the citizen. The freedom of the citizen is not guaranteed merely in giving him the right to go to the High Court. After all, we know how many persons go to a court of law. 8-40 p.m. It is only a few persons who go to a court of law. Therefore it should be the attempt of any Government, having laid down certain fundamental rights and having guaranteed them, to see that those fundamental rights are properly safeguarded and guaranteed to every citizen. That should be attempted in the day to day administration of the Government. Merely giving a right to go to the High Court will not be enough. As a matter of fact, the fundamental rights guarantee the right to go to the Supreme Court, not to the High Court and by giving a right to go to the Supreme Court, which is far away in New Delhi, the fundamental rights are not going to be guaranteed or protected. It is only by the awareness of the Government themselves that those rights should be protected. That alone would give our citizens a sense of protection, a sense of freedom and a sense of liberty. That will always be the attempt of this Government and hon. Members need not be under the impression that simply because the court-fee is raised to Rs. 25; it is an attempt to lessen the importance of the fundamental rights guaranteed under the Constitution. Therefore, I have to say that, that is the justification on the part of the Government for fixing the court-fee at Rs. 25. As far as I am concerned, I feel even if it is fixed at Rs. 100, it will not cause any injustice to the ordinary citizen. Injustice will be done only if the Government take it into their head to flout the fundamental rights. Then no court can protect those rights, however, powerful it may be. That is what we

see in every country to-day. It will be our endeavour to give full protection to our citizens so that they may enjoy their freedom and liberty and safeguard their fundamental rights. Not only that. It will be our endeavour to work out the Directive Principles also, which was referred to by the Hon. the Deputy Leader of the Opposition. It is not for mere show or for satisfying anybody else that the Directive Principles have been incorporated in the Constitution. It is for the purpose of seeing that the Government should have that ideal, work for that ideal and take proper steps progressively towards that ideal that they have been incorporated. If we are unable to achieve spectacular results, it is because of the difficulties inherent in the situation and we are trying our best to overcome those difficulties. I hope ere long even the Hon. the Deputy Leader of the Opposition, in spite of his prejudice against the present form of Government, against democracy and against Congress, will have something to say in favour of the present form of democracy. I do not think I need dwell any further on that.

" As far as the other aspects are concerned, there has been a complaint that there is a general increase of court-fee. But these rates were fixed long long ago when the money values were much more than what they are now. Money values have gone up by four times the pre-war level, but we have not attempted to increase the rates correspondingly. In most cases the increase is about 10 per cent or 25 per cent and in certain cases it is 50 per cent. These are justified in the circumstances of the case.

" The hon. Member Sri S. Ramalingam wanted that no fee should be chargeable on an applcation or petition presented to an officer of land revenue relating to the grant of land on darkhast. The petition will become absolutely useless if there is no stamp affixed to it. Even from the point of view of the person who presents it and from the point of view of the person who receives it, it is better that some stamp is affixed. The officer who receives the petition will take care and see that it is properly disposed of, because there is some stamp affixed to it. Merely writing something on a paper and presenting it will be of no value whatsoever. I do not think that anybody is going to be affected by this levy of four annas. We have the interests of those landless poor, who apply for the land, at heart and hon. Members will have to judge the results not by the fact of the collection of four annas but by the fact of distribution of the land. The collection of four annas should not be the test. I do agree that if ultimately we are unable to give these waste lands properly parcelled out to the landless poor—not only parcelled out, but also fail to create conditions wherein they will be able to effectively cultivate the lands—then, of course, they can pass a judgment, but let not hon. Members judge our interest in those persons by this levy of four annas for a petition of this kind. It was suggested that it may be two annas. There is not much difference between two annas and four annas. I have experience of these matters and I may tell the hon. Member that it is better to fix some nominal fee if they are to have some effect. Therefore, I do not think I should agree to any of the amendments moved by the hon. Members. I would appeal to them

not to be under the impression that the Government are wanting to make money out of this levy of four annas and that it is the Opposition who want to protect the interests of those persons. I would therefore appeal to hon. Members not to press any of their amendments but to withdraw them."

* SRI S. RAMALINGAM :—"Sir, my objection to the levy of four annas was on some other ground. I am not worried if it is even 12 annas, because they can afford to spend 4 annas or 8 annas or 12 annas. My contention is that the poor agriculturists may not know the Court Fees Act or the rules. So far, they have been presenting such petitions without affixing any stamp. They will adopt the same practice. What I fear is that the Tahsildar or some other officer who receives the petitions will simply throw them away on the plea that no stamp has been affixed to the petitions. I would therefore request the Government to specially instruct the Tahsildars and other officials to see that whenever petitions are presented without affixing stamps, the concerned persons should be informed to resubmit them duly affixing the stamps. Only thus, the hardship can be avoided. What we find is these officers call the petitioners at 11 o'clock and the petitioners are requested to come after a week. When they come after a week, the petitions will not be available nor will any action be taken on them. So I request the Government to issue necessary instructions in the matter."

* THE HON. SRI C. SUBRAMANIAM :—"Not only for want of court-fee stamps, but also on other technical grounds, petitions are returned. I am aware of this and as far as Government are concerned, we shall try to remove all these disposals on technical grounds and see that justice is done to the people."

The amendments of the hon. Member Sri P. K. Gopalakrishnan (Nos. 157 to 172) were put and lost.

The amendments of the hon. Member Sri M. Kalyanasundaram (Nos. 262 to 271 and 273 to 278) were put and lost.

SRI S. RAMALINGAM :—"Sir, I withdraw my amendments Nos. 192 and 193."

The amendments of the hon. Member Sri S. Ramalingam (Nos. 192 and 193) were, by leave of the House, withdrawn.

The amendment of hon. Member Sri S. Ramalingam (No. 196) was put and lost. 8-50 p.m.

The amendment of hon. Member Sri T. C. Narayanan Nambiar (249) was then taken up.

MR. SPEAKER :—"The question is—

SCHEDULE II, ARTICLE II (*s*).

'*For* the words "twenty-five rupees", *substitute* the words "two rupees".'"

The amendment was declared lost.

Sri T. C. Narayanan Nambiar demanded a poll.

Division bells were rung and Members poured in.

MR. SPEAKER :—" I shall again put the amendment to the vote of the House. The question is—

SCHEDULE II, ARTICLE II (*s*).

' *For* the words " twenty-five rupees ", *substitute* the words " two rupees ".' "

The amendment was declared lost.

The Schedule II was put and carried.

MR. SPEAKER :—" There are no amendments to Schedule III. I shall put it to the vote of the House. The question is—

' That Schedule III do stand part of the Bill.' "

Schedule III was put and carried.

MR. SPEAKER :—" The motion is—

' That clause 2 do stand part of the Bill.' "

* SRI P. S. KRISHNASWAMY AYYANGAR :—" Before proceeding with the discussion on clause 2, may I know whether my amendment (No. 74) will be taken up now for discussion. The understanding was that we should take up the discussion . . ."

THE HON. SRI C. SUBRAMANIAM :—" Amendment No. 74 inserting a new clause 50-A was thrown out and there is no need to come back to it."

SRI S. RAMALINGAM :—" Sir, I move the following amendment (173) :—

' *In sub-clause* (1), after *item* (*b*), insert *the following new item* :—

" (*c*) *proceedings of the conciliation officer or the Revenue Court constituted under the Tanjore Tenants and Pannayal Protection Act.*" ' "

SRI T. C. NARAYANAN NAMBIAR :—" I second the amendment."

8-55 p.m. * SRI S. RAMALINGAM :—" கனம் சபாநாயகர் அவர்களே, என்னுடைய திருத்தத்தின் மூலமாக நான் கேட்டுக்கொள்வது என்னவென்றால் சென்ற இரண்டு ஆண்டுகளுக்கு முன்பாக தஞ்சை குடியானவர்கள் பண்ணையாள் பாதுகாப்புச் சட்டம் நிறைவேற்றப்பட்டிருக்கிறது. அந்தச் சட்டத்திலே ஒரு குடியானவன் தனக்கு ஏதாவது தாவா போட இருந்தால் ஒரு ரூபாய் கோர்ட்-பீ ஸ்டாம்பு ஒட்டி கன்சிலியேஷன் ஆபீசர் அல்லது ரெவின்யூ கோர்ட்டுக்கு மனு போடலாமென்று சட்டம் செய்யப்பட்டிருந்தது. அதிலும் பண்ணையாளாக இருந்தால், அவன் ஹரிஜன் என்ற காரணத்திற்காக அவன் ஏதாவது ரிட் பெடிஷன் கோர்ட்டுக்குப் போடவேண்டுமென்றால் அவன் அந்த ஒரு ரூபாய் ஸ்டாம்பு கூட ஒட்டவேண்டியதில்லை. அதற்கு பண்ணையாள் பாதுகாப்புச் சட்டத்திலே இடமிருக்கிறது. அதன்படி கடந்த இரண்டு ஆண்டு காலமாக நடந்து கொண்டும் வருகிறது. ஆனால் குடியானவன் தனக்கு வக்கீல் வைத்துக் கொள்ள முடியாததாகையால் தனக்குப் பதிலாக யாராவது ஒரு பிரதிநிதியை ஆஜர் ஆகும்படி செய்யலாம் என்று சட்டத்தில் குறிப்பிடப்பட்டு

TRUTH ALONE TRIUMPHS

31st March 1955] [Sri S. Ramalingam]

இருக்கிறது. அதன்படி சென்ற இரண்டு ஆண்டுகளாக, குடியானவன் சாதாரணமாக ஒரு துண்டுக் கடுதாசியில் இன்னாரை நான் எனக்குப் பதிலாக பிரதிநிதியாக அனுப்புகிறேன் என்று எழுதிக்கொடுத்தாலே, அதற்கு ஸ்டாம்பு இல்லாமலே வாங்கிக்கொண்டிருந்தார்கள். அப்படி செய்யப்பட்டவர்கள், அவர்களுக்குப் பதிலாக கன்சிலியேஷன் ஆபீசர் அல்லது ரெவின்யூ கோர்ட்டுக்குச் சென்று வாதாடி வந்தார்கள். ஆனால் சென்ற ஐந்தாறு மாத காலமாக இந்த கன்சிலியேஷன் ஆபீசரும், ரெவின்யூ கோர்ட்டாரும் அப்படி குடியானவர்களுக்குப் பதிலாக வரக்கூடிய பிரதிநிதிகளுக்கு எழுதிக்கொடுக்கும் மனுவில் கோர்ட்-பீ ஸ்டாம்பு ஒன்றரை ரூபாய்க்கு ஒட்டவேண்டுமென்று கூறுகிறார்கள். அப்படி நிர்ப்பந்தம் செய்து வசூலித்துக்கொண்டும் வருகிறார்கள். அது மட்டுமல்ல ; குத்தகைக்காரர்கள் சாகுபடிக்காக நிலத்தை வாங்கிக்கொள்ளும்போது முன்பெல்லாம் அந்த டாகுமெண்டுக்கு ஸ்டாம்பு எதுவும் ஒட்டவேண்டியதில்லை. இந்த அளவு நிலத்தை எடுத்துக்கொள்ளப்பட்டிருக்கிறது, அதற்கு இவ்வளவு கலம் நெல் அளக்கவேண்டுமென்று தீர்ப்பு செய்யப்பட்டிருந்தது.

"இப்போது அதற்கு, சிவில், கிரிமினல் கோர்ட்டுகளில் **Exhibits** போடுவதுபோல, **3/4** ரூபாய் ஒட்டினால்தான் சாட்சியாக, டாக்குமெண்டாக **(document)** ஒத்துக்கொள்ளமுடியும் என்று சொல்லுகிறார்கள். இந்த மாதிரி மனுபோடும்போது ஒட்டும் **Court fee** தொலையட்டும், பல ரூபங்களில் அதிகமான செலவுகளை ஏற்படுத்துவதால், விவசாயிகளுக்கு ஏற்கனவே நமது சபையில், சலுகை காட்டப்படவேண்டும் என்று நாம் சொல்லிவந்திருப்பதை மறைமுகமாக பறித்துவிடக்கூடிய நிலைமை ஏற்பட்டிருக்கிறது. இதன் விளைவாக பெரியளவிற்கு பாதிக்கப்படுபவர்கள் பண்ணையாட்கள்தான் என்பதை நாம் நினைவில் வைத்துக்கொள்ள வேண்டும். பண்ணையாட்கள் போடும் **original petition** பேரில் ரூபாய் $1\frac{1}{2}$ **Court-fee** ஒட்டினால் போதும் என்று சொல்லிவிட்டு, பின்னால் சாட்சியாக போடக்கூடிய **document** களின்பேரிலும், பிரிதிநிதிகளாக வரக்கூடியவர்களின் அத்தாட்சி கடிதத்தின்பேரிலும், ரூ. 1-8 ஸ்டாம்பு ஒட்டவேண்டும் என்று சொல்லுவது மிகவும் அதிகமாக இருக்கிறது. இதனால் அவர்களுக்குக் கிடைக்கக்கூடிய கூலியில் துண்டு விழும். ஆகையால், குறிப்பாக **Conciliation Officer proceedings, Revenue Officer proceedings**-லும் இந்த சட்டத்தை அமுலுக்கு கொண்டு வரக்கூடாது. பண்ணையாட்கள் சாதாரண முறையில் ஆஜராவதற்கு வசதிகளும், **document**-களை அங்கு **Court**-களின் முன்பாக சமர்ப்பிக்கவேண்டிய வசதிகளும் செய்யவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

"அடுத்தபடியாக சென்ற **15** நாட்களுக்கு முன்பு நடந்த ஒரு சம்பவத்தைக் கூற விரும்புகிறேன். சாதாரணமாக, கோர்ட்டுகளில் எல்லாம் வக்கீல்கள் ஆஜராவது என்றால், அத்தாட்சி கடிதத்தின்பேரில் ஒரு ரூபாய் ஸ்டாம்பு ஒட்டி, ஆஜரானால்போதும் என்று இருக்கிறது. ஆனால் அவர்கள், பண்ணையாட்கள் விவசாயிகளின் **representative**-ஆக ஆஜராகிறோம் என்று சொன்னதின்பேரில், அந்த வக்கீல்களும், அத்தாட்சி கடிதத்தின் பேரில் ரூ. 1-8 ஸ்டாம்பு ஒட்டவேண்டும் என்று **Reveuue** கோர்ட்டாரும், **Conciliation Officer**-களும் நிர்பந்தித்தார்கள். இதற்குப் பிறகு, வக்கீல்கள் எல்லோரும் சேர்ந்து, **Secretariat**-க்கோ அல்லது **High Court**-க்கோ சங்கத்தின் மூலம் எழுதி, ரூ. 1-8 ஸ்டாம்பு ஒட்டவேண்டும் என்ற நிர்ப்பந்தத்தை ரத்து செய்துவிட்டு, ஒரு ரூபாய் ஸ்டாம்பு ஒட்டினால் போதும் என்று இப்போது ஒட்டிவருகிறார்கள். விவசாயிகளின் பிரதிநிதிகளுக்கு மாத்திரம் இந்த சலுகை கிடைக்கவில்லை. அவர்கள் ரூபாய் 1-8 ஸ்டாம்பு ஒட்டவேண்டும் என்ற நிர்பந்தம் இன்னும் இருக்கிறது. இது சம்பந்தமாக கனம் ரெவின்யூ மந்திரிக்கு நான் எழுதிய கடிதத்தின்பேரில் **Court fee** சட்ட பிரகாரம் ஸ்டாம்பு ஒட்டித்தான் ஆகவேண்டும் என்று சொல்லிவிட்டார்கள். ஆகையால்தான் இது சம்பந்தமாக இப்போது திருத்தம் கொடுத்திருக்கிறேன். அதை சர்க்கார் ஏற்றுக் கொள்ளுவார்கள் என்று நம்புகிறேன."

* **Sri A. K. SUBBIAH** :—" கனம் சபாநாயகர் அவர்களே, விவசாயிகள் **Court-fees** ஒட்டி வழக்கு நடத்துவது, வாதிப்பது என்பது முடியாது என்று பல வருஷங்களாக நாங்கள் சொல்லியிருக்கிறோம். கனம் மந்திரி 9 p.m.

[Sri A. K. Subbiah] [31st March 1955

அவர்களுக்கும் பல முறை இது சம்பந்தமாக விண்ணப்பங்கள் சமர்ப்பிக்கப் பட்டிருக்கின்றன. இவற்றை சர்க்கார் கவனிக்காத காரணத்தினால், சாதாரணமாக ஏழை விவசாயிகள், பண்ணையாட்கள், தங்களுக்கு ஐந்து கலம் வருமானம் பாக்கி வரவேண்டு மென்பதற்காக Conciliation Court-ல் தாவா செய்தால், அந்த தாவாவின் பேரில் Court-fee ஸ்டாம்பு ஒரு ரூபாயும், mileage-க்காக, மைலுக்கு இரண்டணு வீதம் ஸ்டாம்பும் ஒட்ட வேண்டியிருக்கிறது. ஒவ்வொரு தாலுகாவின் தலை நகரத்திலாவது அந்த Coaciliation Court-ஐ வைத்திருந்தாலும் கூட பரவாயில்லை. அப்படியில்லாமல், தஞ்சை ஜில்லாவை எடுத்துக்கொண்டால், அந்த ஜில்லாவை இரண்டு பகுதிகளாக பிரித்து இரண்டு இடங்களில் அந்த Court-ஐ வைத்திருக்கிறார்கள். இதன் விளைவாக, ஒரு பண்ணையாள் இருக்குமிடத்திற்கும், அந்த Conciliation Court-க்கும் 20 mile தூரம் இருந்தால், மைலுக்கு இரண்டணு வீதம், போகவர mileage க்காக, ரூபாய் 5க்கு Court-fee stamp ஒட்ட வேண்டியிருக்கிறது. மேலும் வகாலத்திற்கு ரூ. 1-8-0 ஸ்டாம்பு. இந்த மாதிரி கணக்குப்பார்த்தால் குறைந்த பட்சம் ரூபாய் 6, 7 வரையிலும் பண்ணையாள் ஸ்டாம்பு ஒட்ட வேண்டிய நிலைமை ஏற்படுகிறது. மேலும் அந்த தாவா விஷயமாக 10 hearings நடந்தால் (10 × 5) ரூபாய் 50 செலவழிக்க வேண்டியிருக்கிறது. விவசாயிக்கு கிடைக்கக்கூடிய 5 கலம் நெல்லுக்காக, அதாவது ரூபாய் 30 கிரயம் ஆகிறது, அதற்காக ரூபாய் 50 செலவழிக்க வேண்டியிருக்கிறது. ஆகையால், விவசாயிகளுக்கு சௌகரியம் அளிக்கக்கூடிய முறையில் Court-fee கட்டண உயர்வை ரத்து செய்து, முன்பு பண்ணையாள் பாது காப்புச் சட்டம் போடும்போது விவசாயிகள் மனு செய்துகொண்டால் அதன்பேரில் ஒரு ரூபாய் ஒட்டினால் போதும் என்று சொன்ன பிரகாரம், அதே முறை நீடிக்கும்படிச் செய்யவேண்டுமென்று கேட்டுக்கொள்ளு கிறேன். அடுத்தபடியாக, விவசாயிகளுக்காக வகாலத்து வாங்கக்கூடிய வக்கீல்களோ, அல்லது விவசாயிகளின் பிரதிநிதிகளோ, ரூபாய் 1-8-0 stamp அத்தாட்சி கடிதத்தின்பேரில் ஒட்டவேண்டுமென்று இருப்பதை எடுத்துவிட வேண்டுமென்று சர்க்காரை கேட்டுக்கொள்ளுகிறேன்."

9-02 p.m. * Sri P. VENKATESHA SHOLAGAR :—"கனம் சபாநாயகர் அவர்களே, ஆரம்பத்தில் இந்த பண்ணையாள் வாரம் குத்தகை பாதுகாப்பு சட்டம் வந்தபோது, ஏதோ ஓரளவிற்கு பண்ணையாட்கள் மனு செய்து கொண்டால் ஒரு ரூபாய் ஸ்டாம்பு ஒட்டினால் போதும் என்று இருந்ததன் பயனாக 100க்கு 25 நியாயம் கிடைத்து வந்தது. ஆனால் இப்போது அவர்கள், மிராசுதாரரை எதிர்த்து நின்று பேசி, சட்டப்படி தாவா செய்து உரிமையை வாங்குவேன் என்று சொல்லுவதற்கு சக்தி கிடையாது, காரணம் "செத்த ஆடு கால் பணம், சுமைகூலி முக்கால் பணம்" என்பது போல, பண்ணையாட்கள், 6 மரக்கால், 9 மரக்கால் அல்லது 1 கலம் நெல் பாக்கிக்காக மனுபோட வேண்டுமென்றால், மனுவின்பேரில் stamp கட்டணம், அதற்கு பிறகு கோர்ட்டு இருக்குமிடதிலிருந்து வேதாரணி ணியத்திலிருந்து மைல் கணக்கில், திருவாரூர் போன்ற இடங்களுக்கு வரு வதற்கு mileage charge இதுவெல்லாம் சேர்த்து ஸ்டாம்பு ஒட்டவேண்டியிருக்கிறது. இந்தக் கட்டணங்களை செலுத்த வேண்டு மென்றால், அவன் வயிற்றில் கையை வைத்துக்கொண்டு திரும்பிப் போவதைத் தவிர வேறு வழியில்லை. ஆகவே ஏதாவது சட்டம் போட்டால், அந்த சட்டத்தின்மூலம், மக்கள் சௌகரியம் அடைவார்கள் என்ற நம்பி க்கை ஏற்படவேண்டும். அப்படியில்லாமல் சர்க்கார் மனசாட்சிக்கு விரோத மான முறையில் ஸ்டாம்பு கட்டணத்தை வசூல் செய்தால் பிரயோஜனப் படாது. ஆகவே இப்போது கொண்டுவரப்பட்டிருக்கும் Court-fee சட்டத்தினால் அவர்களுக்கு ஏதாவது பிரயோஜனம் இருக்கவேண்டு மென்றால், stamp-fee-ஐ உயர்த்தியிருப்பதை இந்த சட்டத்தைப் பொறுத்த மட்டில் அமுல் நடத்தாமல், அவர்களுக்கு விதி விலக்கு அளிக்க வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்."

9-04 p.m. * THE HON. SRI C. SUBRAMANIAM :—"Sir, in sub-clause (2), here it is said : 'Where any other law contains provisions relating to the levy of fee in respect of proceedings under such other

law, the provisions of the Act relating to the levy of fee in respect of such proceedings shall apply subject to the said provisions of such other law.' That being the case, I do not think we can be taking into account one special law and deal with it here. That is why, Sir, I am unable to accept it. If all these matters are placed before my Hon. Colleague in charge of Revenue, he will take all those things into account and bring in necessary amendments to the Tanjore Tenants and Pannayal Protection Act. It will be appropriate there in that Act to make all these provisions and it would not be appropriate here in this Act. Therefore, I request the hon. Member not to press his amendment. As far as that Tanjore Act is concerned, I shall certainly ask my Colleague to look into it whether there are any difficulties and if there are difficulties, they will be removed by amending the Act, if necessary; or if they could be removed by executive instructions, we shall issue necessary executive instructions."

SRI S. RAMALINGAM :—" Sir, in view of the assurance given by the Hon. Minister that the difficulties would be removed, if it is possible, through executive instructions or by amending the Act, I wish to withdraw my amendment."

The amendment (No. 173) was, by leave of the House, withdrawn.

MR. SPEAKER :—" The question is—

'That clause 2 do stand part of the Bill.' "

Clause 2 was carried.

Clause 1.

MR. SPEAKER :—" The motion is

'That clause 1 stands part of the Bill.' "

THE HON. SRI C. SUBRAMANIAM :—" I move—

'*In sub-clause* (1), for *the figures* " 1954 ", substitute *the figures* " 1955 ".' "

MR. SPEAKER :—" The question is—

'In sub-clause (1), *for* the figures " 1954 ". *substitute* the figures " 1955 ". ' "

The motion was carried.

MR. SPEAKER :—" The question is—

'That clause 1 as amended stands part of the Bill.' "

* SRI M. NARAYANA KURUP :—" Sir, in this connexion I want some doubts to be cleared. Sub-clause (3) says, ' it shall come into force on such date as the State Government may, by notification in the *Fort St. George Gazette*, appoint.' My apprehension is whether there would be difficulties in the actual application of it. For instance, here the value of court-fee has been changed in one or two material respects, namely, market value and money value. As far as market value is concerned, it is

specifically stated in clause 7 that it shall be determined as on the date of presentation of the plaint. There is no difficulty. Then in appeals also clause 52 says so many things, but in the last Explanation, that is, Explanation (5), it is said 'where the market value of the subject-matter of the appeal has to be ascertained for the purpose of computing or determining the fee payable, such market value shall be ascertained as on the date of presentation of the plaint.' For instance, if the money value of the appeal is Rs. 100 to-day, he has to pay Rs. 11–4–0; meanwhile this Act comes into force and if that is the first instance, he will have to pay only Rs. 7-8-0. The expression 'date of presentation of the plaint' is not here.

"Then again, we have made in so many cases that defendants also have to pay court-fee. We have made changes in respect of suits relating to documents, etc., now in this Act, and this Act comes into force on a particular day. Will all the provisions apply as on that date or will the changes apply in relation to the presentation of the plaint? That is my difficulty.. In places where it is mentioned 'date of presentation of the plaint' I have absolutely no doubt; but in other cases will there by any difficulty, that is, where the matter relates to a number of sections?"

* THE HON. SRI C. SUBRAMANIAM :—"I do realise the difficulties pointed out by Mr. Kurup. I will point out another difficulty also. Suppose, a suit has been filed; it would have been valued on the old basis and court-fee paid on the old basis. Suppose, as against that, after coming into force of this Act, he has to present an appeal, what will be the basis of valuation? That will be a problem. When under the provisions of this Act, he will have the advantage of lesser court-fee, he will also have the disadvantage of valuing the suit under the provisions of this Act. I do not think, Sir, from the date of application of this Act, for a pending proceeding it will apply; once the matter has gone out of hand and plaint has been filed, it has no retrospective effect. That is as far as I could see. However, I shall have it examined along with the notifications and appropriate instructions will be issued to the courts so that there won't be any difficulty."

Clause 1 as amended was carried.

PREAMBLE.

9-10 p.m. THE HON. SRI C. SUBRAMANIAM :—"I move—

'*In the second paragraph of the Preamble*, for *the words* "*Fifth year*", substitute *the words* "*Sixth year*".'"

MR. SPEAKER :—"The question is—

'In the second paragraph of the Preamble, *for* the words "Fifth year", *substitute* the words "Sixth year".'"

The amendment was put and carried.

The Preamble as amended was put and carried.

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* THE HON. SRI C. SUBRAMANIAM :—" I move—

'*That the Madras Court-Fees and Suits Valuation Bill*, 1955 (*L.A. Bill No.* 25 *of* 1954), *as amended, be passed.*'

" May I take this opportunity to thank the hon. Members who took such a keen interest in the Bill during the Select Committee stage and at the stage of its passing through the Legislature. I am particularly thankful to the hon. Member Sri Krishnaswamy Ayyangar for the very keen interest he has taken in studying every word of the Bill and suggesting amendments in respect of every matter in which he had some doubt or other. I could not accept some of his amendments. But I really appreciate the trouble which he had taken in studying the Bill. I find in respect of every Bill he makes a thorough study, word by word, and suggests amendments. I am only reminded of one of my colleagues in the Constituent Assembly and in the Parliament, Sri Naziruddin. He also used to bring numerous amendments and so much so, he used to be called ' Amenduddin '. I think that name can be passed on to Sri Krishnaswamy Ayyangar.

" In addition to the hon. Members of the House, the departments also had taken a good deal of trouble. Particularly I want to place on record the services rendered by the Special Officer Sri C. S. David who had taken a good deal of interest from the beginning in this matter. This has been pending for a long time and I am really happy, Sir, that it has been possible for us to finalise this Bill. I thank the hon. Members once again."

* SRI M. NARAYANA KURUP :—" As usual, though the Government and the Opposition had their different views on the subject, this is one of the measures where we had worked together with more than the usual degree of co-operation and though the discussion on the Bill was extended for one day considering its technical nature and the difficulties involved in it, not only the Hon. Leader of the House, the hon. Members on this side but the whole House deserves credit for the expeditious way in which the Bill has been put through. Court-fees is a naughty problem and labours and researches for years resulted in this Bill. A certain amount of rationalisation can be claimed for it. This Bill will be simpler and more intelligible and will not involve as much difficulty as it is usually associated with the court-fees. Some of the difficulties have been already pointed out and the Hon. Leader of the House has himself felt them. For the purpose of putting this Act into effect, the Government have been given ample powers under this Act and I hope it will be properly used to remove all the difficulties."

SRI T. C. NARAYANAN NAMBIAR :—" Mr. Speaker, Sir, I am very happy to note that in spite of the Opposition for most of the clauses that we have put, the Hon. Finance Minister was this time very conciliatory as far as many points are concerned, though he did not give up his points. Anyhow, Sir, he was pleased

to give an assurance with regard to the working of the Tanjore Tenants and Pannayals Protection Act. In this connexion I would like to remind him of the amendment by the hon. Member Sri Gopalakrishnan with regard to Rent Courts in Malabar. After the process fee is collected, even for a petty correction court-fee is levied and even the seal is not yet given to most of the Courts. So many difficulties are there with regard to the working of the Rent Courts in Malabar. I hope the Hon. Finance Minister will take up that issue also and see that the difficulties in the working of the Rent Courts in Malabar are removed at the earliest opportunity.

" Sir, I will take this opportunity to express some of my experience of the various Civil and Criminal Courts in this State. The Hon. Minister for Finance was pleased to state that the awareness of the Government alone will be a safeguard for the guarantee of the fundamental rights. I quite agree. But there are occasions when even the State infringes the fundamental rights of the citizens. It is there the difficulty comes. These Courts are the organs that have to implement the policy of the Government and also to see that the fundamental rights are guaranteed. With due respect to our institutions of judiciary, I would submit, Sir, that no self-respecting human being can go to some of the Courts as even witnesses. That is our experience. Even now in 1955 when an ordinary coolie or a wage-earner goes as a witness even to support the prosecution, he is not offered a seat in the Court. I cannot understand this. When he goes to the Court at 11 a.m. he has to stand in the Court outside till 5 p.m. and even then the case would not have been taken. On the other hand, if he is a richman or a landlord, though he may be a murderer or accused in a case, he will be offered a seat and he can sit in the Court till his case is taken up. I cannot understand such kind of attitude even today.

" With due respect to our judiciary, I would submit that the change in the time is not at all reflected in the attitude of some of the heads of the judiciary, i.e., some of our judges. I have cited an example regarding the offering of seats. Another instance is, a witness would have been waiting for his case to be called by the Judge till 5 p.m. and he would not have even taken food. He would have just gone out to a tea shop for taking a cup of tea. By that time the case would have been called and adjourned stating that the party was not present, or the accused would be acquitted on the ground that the witness was not present. Some instructions will have to be given to effect a change in the attitude of the Judges also and if necessary, some enactment may also be made in this regard.

" Sir, another important point I want to refer to is with regard to reports and information which we should get from the various Courts. I hope I am speaking subject to correction that it will be very useful for the Government as well as the people's

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representatives if we make it a system that the various Courts should submit, if not monthly, a quarterly report to the Government with regard to the nature of the cases, convictions and acquittals and their various experience. It is only then we will be in a position to understand the nature of cases, the development of the society, the kind of crimes taking place, how the Police and other departments are working with regard to investigation of crimes, etc. Our experience shows that such reports from the various courts will be very useful. For example, when hon. Members put certain interpellations, Hon. Ministers are not in a position to reply properly. Some Hon. Ministers say with regard to a question of murder case that suicide has been committed. Sometimes they say that convictions are on the increase. On the other hand, if statistics were with the Government it would have been very easy for them to understand the real position and the real economic, social and political conditions of the State. So I request the Hon. Finance Minister to bring an enactment if necessary or at least issue an executive order that such quarterly reports should be sent to the Government by every Court. Then alone the Government will be in a position to know the actual situation. The most important thing that I want to urge is that some instructions may be issued to the Chief Justice of the High Court in this regard. Anyhow there should be some change in the attitude of Judges. Some of them live in the fourteenth century . . ." 9–20 p.m.

Mr. SPEAKER :—" I cannot allow the hon. Member to criticise the Judges. If he wants to criticise them, he should bring in a substantive motion."

Sri T. C. NARAYANAN NAMBIAR :—" I do not want to cast aspersions on the judiciary. I have already stated that. But when people go to Court, some of the Judges do not take pains to understand the difficulty . . ."

Mr. SPEAKER :—" I cannot allow the hon. Member to say such things. It is quite unparliamentary."

* Sri M. NARAYANA KURUP :—" We are precluded from referring only to High Court Judges, according to the provisions of the Constitution."

* The Hon. Sri C. SUBRAMANIAM :—" No reflection can be made against any Judge. But still it will be quite irrelevant as far as this Bill is concerned. Further, we are now in the third reading stage. After all, we should observe some rules of debate."

Sri T. C. NARAYANAN NAMBIAR :—" The ordinary man undergoes a lot of difficulty to get justice. I hope the Government are aware of these difficulties and will take suitable action. The Hon. Minister has assured that he will try to remove the difficulties of the common man in getting justice. I hope he will implement his assurance."

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* SRI P. RANGASWAMI REDDIAR :—" Mr. Speaker, Sir, we are now in the final stage of this Bill. In spite of the best endeavours on the part of this House to show to the outside world that this Bill is not a taxation measure but some sort of measure to collect fees for work done, the outside world understands this only as a taxation measure. For instance, to-day I saw leading articles in two English dailies. They also view this Bill in the same way. I am tempted to call this Bill as 'Court-goers' Taxation and Suits Valuation Bill' instead of the 'Court-fees and Suits Valuation Bill'. A landlord during the rainy season visited his tenant and asked him, 'How do you like my house as a whole, Sir?' The tenant said, 'The house is only leaky. As a hole, it is all right. As a house, it is very bad, Sir.' So also as a taxation measure, this Bill is all right, but as a Court-fee measure, it is not up to the standard expected by many of us. In 1870 the Court-fees Act was passed. Some 80 years elapsed to find out an anomaly in the wording of a particular section which resulted in the litigants paying larger court-fees when they claimed possession of a portion of a land than litigants claiming possession of the whole. About five years have elapsed since this anomaly was pointed out by our High Court. During all these five years litigants were handicapped because no amendment was made in regard to that particular aspect. When I sent a draft Bill to remove the anomaly, it was pointed out by the Secretary here that I should obtain the permission of the Governor because it was a Money Bill. Subsequently, when I addressed the Governor, he declined to accord permission to introduce the Bill. But all on a sudden last week we were told by the Hon. the Finance Minister and by you, Sir, that this was not a taxation measure and that tax, fee and cess are three distinct terms. That is the thing which one has in one's mind after going through this Bill.

" I want to draw the attention of the Hon. the Finance Minister to one or two aspects of this Bill. If a mortgage is for Rs. 25,000 and the balance remaining is only Rs. 1,000, if the mortgagee wants to file a suit, he can file a suit in the District Munsif's Court and he has to pay fee only on Rs. 1,000. On the other hand, if the mortgagor wants to redeem the mortgage, when the same balance is due, he has to go to a Sub-Court because the jurisdictional value is one-fourth of Rs. 25,000, that is Rs. 6,250. Therefore, he has to go to a Sub-Court and has to pay court-fee on Rs. 6,250. It is not at all possible for me to compromise this situation. In attempting to rationalise the Court-fees measure, I think certain anomalies, hardships and distinctions between person and person have been created. I have already pointed about channel rights and easement rights. In the working of this measure, we have to see how it is ultimately going to be beneficial to the litigant population.

" It is nearly three or four years since the Madras Civil Courts (Amendment) Act was passed giving enlarged jurisdiction to District Munsifs and others. That was not notified and it has not

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come into force so far because of the pendency of this legislation. Now, I think this and all the other necessary measures would be brought into force soon. By the time of the reopening of the Courts in June, I think, this new Court-fees measure and also the measure relating to enlarged jurisdiction will come into force. Previously, the people used to go even up to the Privy Council to get interpretation of the Court-fees Act. Now, the Government should be more vigilant in notifying and in making rules and also in reviewing the working of these measures. Whenever any defect is pointed out by the High Court or some other Court, it should be at once rectified. As far as possible, this measure should be made an easy and definite one for the litigants.''

* Sri P. K. GOPALAKRISHNAN :—'' Sir, while this House is going to pass this Bill into law, I want to be quite explicit about the apprehensions of the common man regarding this Bill. The common man had been viewing this Bill from its very inception as a taxation measure though the Government had been trying to conceal the issue by saying that this was only a measure relating to fee and not taxation and that this was intended only to remove certain anomalies in the existing Acts and to make the law relating to court-fee uniform. Actually this has proved to be a taxation measure. Only when the Second Schedule was taken into consideration, the Hon. Minister was pleased to state that there had been a general enhancement in the rates of court-fee. But to say that there had been an increase in the money value of things during the last few years, that there had been no increase in court-fee and that, therefore, this Bill is justified, is not fair. But at least then, the Hon. Minister admitted that he had increased the court-fee already. In this connexion, I want to point out that more and more ordinary people have been taking recourse to law courts to have their grievances redressed.

'' Sir, it is a phenomenon in democracy that more and more people have recourse to courts of law to get their grievances redressed. Unlike former times when only rich people used to go to courts of law to get thier grievances redressed, even ordinary people—coolies and agricultural labourers—go to law courts on civil matters to see that the wrongs done to them are rectified. So, it is only fair that the court-fee is kept at a very low level so that justice may be obtainable to all people. But on the other hand, according to the Hon. the Finance Minister himself, we have raised the court-fee to a very considerable extent. Sir, on two important points the Opposition pressed for a division. The Hon. the Finance Minister was not at all conciliatory with regard to these points. The first one was with reference to the valuation being based on 30 times the land revenue assessment. The Government did not come down. So, also on the point of making the *ad valorem* fee of $6\frac{1}{4}$ per cent instead of $7\frac{1}{2}$ per cent, they did not concede our demand. (The Hon. Sri C. Subramaniam : 'What is the use of reviewing what has happened? ') All these facts are now well known and ordinary people are not going to receive this Bill well because it will affect their whole future.

9.30 p.m.

[Sri P. K. Gopalakrishnan] [31st March 1955

It is quite necessary, Sir, to review and remember the whole course of the debate in this House. The Government were of course conciliatory on certain very few minor points. On very important points, they have not been conciliatory. They have been very stiff in their attitude. So, the common people will view with apprehension this Bill and its provisions. I want to warn the Government that they will not at all be glad about this measure.

"Then, Sir, the Government have been saying that the procedure is simplified by this measure. As a matter of fact, the procedure has not at all been simplified. When we took up clause 12 for discussion the Hon. the Finance Minister was saying that the procedure was already prescribed in the existing law which laid down that in a written statement, a defendant had the right to raise the court-fee issue and then the court would review it. Again, the issue could be raised by a defendant added afterwards and reviewed. The law is made more complex and more complicated. Several Bar Associations have pointed out these things and memoranda also were submitted by them. Still the procedure is not simplified. Sir, I am not at all happy about the Bill and the people also are not. With these words, I resume my seat."

* The Hon. Sri C. SUBRAMANIAM :—" Sir, I am not surprised that the hon. Member Mr. Gopalakrishnan is not happy about the passing of this Bill. He is not happy about this Government and, therefore, when this Government try to get through a Bill in this House, he is unhappy about it. That is typical of a Communist's attitude, the attitude of a hard-boiled Communist like him. Even though other Members are changing, has not unchanged. He is a non-changing Member rather. Apart from that, Sir, I have absolutely no doubt that the legal profession will take an unbiassed view and agree that the proceduure has been simplified to a great extent, notwithstanding the fact Mr. Gopalakrishnan belongs to that profession. Hereafter, there will not be so much of litigation regarding interpretation of Court Fees Act. But in spite of our best intentions, even simplification of procedure itself creates further difficulties. That is the whole difficulty. We are trying to solve one difficulty which gives rise to new difficulties. I am hoping that such a thing will not happen in the case of this Bill. But if it happens, we will have to face it as we face all other problems that confront human society. Perhaps our successors with a better sense of proportion and with more experience may be able to further simplify the procedure. We have tried our best to solve the problem. I am not prepared to say there will be no shortcomings and I do not say that this piece of legislation is perfect. There may be flaws. But we have tried our best to meet the changing circumstances. As was pointed out by Mr. Rangaswami Reddiar, this legislation should not be viewed in parts but in all its aspects. If that is done, I have absolutely no doubt that it will satisfy everybody and will be passed unanimously now. I hope at least at this stage, third reading stage, there will not be any opposition, not even one 'no'."

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* SRI P. K. GOPALAKRISHNAN :—" On a point of personal explanation, Sir. The Hon. the Minister for Finance said that I was not happy about the Government themselves and so I was not happy about this measure, or for that matter, any other measures, that the Government might bring in. That is not the case. Whenever the Government bring in any progressive measure, we are happy about it. For example, the Government have introduced agricultural income-tax. We welcomed it. There are many more Bills to be taken up during this sitting and the Government will find us supporting them in respect of many of those Bills."

* THE HON. SRI C. SUBRAMANIAM :—" What I said was it was bad enough to be a Communist but for a lawyer to be a Communist was a worse thing." (Laughter.)

* SRI P. K. GOPALAKRISHNAN :—" Apart from the question whether to be a Communist is bad or good, the Hon. the Finance Minister said that I was a non-changing Communist. Sir, that is against Communism itself. The very fundamentals of Communism says that the only constant law is that changes constantly take place in society and therefore a non-changing Communist is not a Communist at all."

MR. SPEAKER :—" The question is—

' That the Madras Court Fees and Suits Valuation Bill, 1954 (L.A. Bill No. 25 of 1954) as amended, be passed into law.' "

The Motion was put and carried and the Bill was passed.

V.—GOVERNMENT MOTION.

MOTION UNDER RULE 21 (3) OF THE ASSEMBLY RULES *re* CHANGE IN THE ORDER OF BUSINESS.

THE HON. SRI C. SUBRAMANIAM :— " Sir, I move—

' *that under rule* 21 (3) *of the Assembly Rules, the order of business be changed and that the Madras City Civil Court (Amendment) Bill*, 1955, *be taken up now, instead of the Presidency Small Cause Courts (Madras Amendment) Bill*, 1955.'

We shall now take up the Madras City Civil Court (Amendment) Bill, 1955. The other Bill can be taken up to-morrow."

MR. SPEAKER :—" The question is—

' that under rule 21 (3) of the Assembly Rules, the order of business be changed and that the Madras City Civil Court (Amendment) Bill, 1955, be taken up now, instead of the Presidency Small Cause Courts (Madras Amendment) Bill, 1955 '."

The Motion was put and carried.

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SRI M. KALYANASUNDARAM :—" Sir, before we proceed with the next item on the agenda, I want to make a submission. To-morrow is an important day for a section of the Hindus who believe in religion and religious worship. So, I would request that the timing for to-morrow be changed. I consulted the Hon. the Leader of the House. He is willing to have it changed from 8-30 a.m. to 11 a.m. But I think he has another important work at 12 noon to attend to. So, we may sit from 9 a.m. to 12 noon and then in the evening from 3 to 6."

THE HON. SRI C. SUBRAMANIAM :—" Yes, Sir. We need not have any night sitting."

SRI M. NARAYANA KURUP :—" The agenda has already been circulated."

MR. SPEAKER :—" I can change the timings at your request."

SRI M. NARAYANA KURUP :—" All the Members are not here. Some of them may not be aware of the change in business, etc."

MR. SPEAKER :—" The Press is here. Due publicity will be given by the Press."

SRI M. NARAYANA KURUP :—" I hope I shall not be taken as opposing the new timings."

* THE HON. SRI C. SUBRAMANIAM :—" I am sorry for the inconvenience and then if the hon. Member feels he was not informed about the change in the order of business now, let me inform him that it was generally agreed that the Madras City Civil Court (Amendment) Bill be taken up to-day. So, I do not think there is any difficulty about it."

9-40 p.m. SRI A. RAMASWAMI TEVAR :—" I respectfully submit that this kind of changing every now and then and not sticking to the original programme is certainly not conducive to the health of the Members, especially of those Members who come from far away, viz., from 200 or 300 miles. We are already in mid-summer dreams. So I request the Hon. Leader of the House to stick up to his original programme."

SRI M. NARAYANA KURUP :—" I remember the Hon. Speaker told, that the House would meet to-morrow from 9 to 12 in the morning and from 3 to 6 in the evening. But we have fixed the Estimates Committee meeting to-morrow at 4 o'clock in the evening."

THE HON. SRI C. SUBRAMANIAM :—" That can be postponed."

MR. SPEAKER :—" But we have to address for that the Chairman, Dr. U. Krishna Rao."

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SRI S. PANCHAKSHARAM :—" According to the original programme, to-morrow we would be having a morning session as well as a night session, for 2 hours. But according to the recent change in programme we are meeting from 9 a.m. to 12 noon and from 3 p.m. to 6 p.m. Are we having the night session also? "

MR. SPEAKER :—" No."

SRI S. PANCHAKSHARAM :—" Then Sri Ramaswamy Tevar is satisfied, Sir."

IV.—GOVERNMENT BILLS.—*cont*

(2) THE MADRAS CITY CIVIL COURT (AMENDMENT) BILL, 1955

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I beg to introduce and move—

'*That the Madras City Civil Court (Amendment) Bill* [a], *1955, be taken into consideration.*'

" Hon. Members are aware that in three Presidency Towns of Bombay, Calcutta and Madras, the High Courts exercise original jurisdiction. But with regard to suits of lesser valuation of Rs. 2,500 and below, they have invested the jurisdiction in what are known as City Civil Courts by the Central Act VII of 1892. The original jurisdiction of Rs. 2,500 was later on increased to Rs. 10,000. Now we are proposing to increase it to Rs. 50,000 and below, so that a large number of cases pending now in the High Court and which come under the category of suits whose valuation is Rs. 50,000 and below, may be taken up by the City Civil Court and disposed of. We know the history of the original side of the High Court. Even though it has served a useful purpose, some think it is an anachronism and need not be retained. But I think we need not go so far as to abolish the original side entirely but have increased jurisdiction for the City Civil Court so much so a large number of cases will be filed before the City Civil Court and only very few important cases of value of more Rs. 50,000 would be brought before and decided by the High Court on the original side. There is a large pendency of suits in the High Court at present. I am told about 800 suits are pending in the High Court on the original side. If suits below Rs. 50,000 are transferred to the City Civil Court, more than 700 suits would get themselves transferred to the City Civil Court. Only about 100 and odd suits would then be pending in the High Court on the original side, which it would be possibe for the High Court to dispose of expeditiously.

" It may be possible then to have even a reduced number of Judges in the High Court in view of the fact that on the original side there would not be heavy work, once this Bill is passed and most of the cases whose value is less than Rs. 50,000 are decided by the City Civil Court. With reference to criminal jurisdiction

[a] Published in the *Fort St. George Gazette* Extraordinary, dated 24th March 1955.

[Sri C. Subramaniam] [31st March 1955

also the matter is under the consideration of Government and I hope to bring a Bill in the next session dealing with this aspect of the question. It has not been possible to combine both the Bills. With reference to criminal jurisdiction, we have to get the sanction of the Government of India. All that would take time. Therefore Government thought that it was better to bring a separate Bill investing higher jurisdiction for the City Civil Court and deal with criminal jurisdiction a little later in a separate Bill. I hope this Bill will commend itself to the House and will be passed without much discussion because I think it is a non-controversial Bill."

MR. SPEAKER :—" This Bill comes as the third item in the agenda. Has the motion under rule 21 (3) been moved for the change in the order of business? "

SRI M. KALYANASUNDARAM :—" It has already been moved by the Minister and the House has approved of the same."

MR. SPEAKER :—" Then all right. Mr. Ramalingam can now move his amendment."

SRI S. RAMALINGAM :—" Sir, I move—

'*That the Madras City Civil Court (Amendment) Bill, 1955, be referred to a Select Committee.*' "

SRI M. PALANIYANDI :—" I second the amendment."

MR. SPEAKER :—" Motion moved—

' That the Madras City Civil Court (Amendment) Bill, 1955, be referred to a Select Committee '."

* SRI M. NARAYANA KURUP :—" I wish to say a few words on only one point. The one provision which rather seems to be odd is the one which relates to appeals. Originally the appeal would lie to the High Court. In the City Civil Court there is the Principal Judge and some Additional Judges. Every Judge has got the jurisdiction to hear any case whose value is less than Rs. 50,000. In the High Court, sometimes an appeal is preferred to the judgment of a Judge of the High Court. Then that appeal is heard by a Bench of two Judges in the High Court. But here what is the provision for appeals? If one Judge gives one verdict and if an appeal is preferred, then the appeal is heard by another single Judge of the same Court. This rather seems odd. Therefore my submission is that appeals should always lie in the High Court or if it is to be heard in the City Civil Court only then, the appeal should be heard by a bench of two Judges of the City Civil Court."

9-42 p.m. * SRI S. RAMALINGAM :—" கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவை பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டும் என்று ஒரு திருத்தத்தை நான் கொடுத்திருக்கிறேன். சிட்டி சிவில் கோர்ட்டுக்கு இந்த மசோதாவின் மூலம் ரூ. 5,000 வரையிலுள்ள கேஸ்களை விசாரிக்கவும், அப்படி விசாரித்து தீர்ப்பளிக்கவும் அதிகாரம் கொடுக்கவேண்டும் என்று

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கொண்டுவந்திருக்கிறார். ஹைக்கோர்ட்டு ரூ. 50,000க்கு மேற்பட்ட கேஸ் களை விசாரிக்கவேண்டும் என்றும் கனம் நிதி மந்திரி மசோதாவில் குறிப்பிட்டிருக்கிறார். நான் வெளி ஜில்லாவிலிருந்து வருவதால் ஒன றைக் குறிப்பிட வேண்டியதாக இருக்கிறது. சென்னையில் இருப்பவர் களுக்கு மட்டும் பிரத்தியேகமாக இப்படிப்பட்ட சூழ்நிலையை ஏற்படுத்த வேண்டிய அவசியம் என்ன இருக்கிறது என்பதைத்தான் கேட்கவேண்டிய தாக இருக்கிறது. எவ்வளவு தொகையின்பேரில் கேஸ் தொடர வேண்டும் என்றாலும் டிஸ்ட்ரிக்ட் கோர்ட்டுக்கும், சப்-கோர்ட்டுக்கும் அதிகாரம் கொடுக்கப்பட்டிருக்கிறது. அவர்கள் அங்கு விசாரித்ததன்பேரில் அப்பீல் செய்வதாக இருந்தால் ஹைக்கோர்ட்டுக்கு வரவேண்டிய சூழ் நிலை அங்கு இருக்கிறது. அப்படி அங்கு நிலைமை இருக்கும்போது இங்கு மட்டும் பிரத்தியேகமான சலுகையைக் கொடுக்கவேண்டிய அவசியம் என்ன என்பது தெரியவில்லை. இப்படிப்பட்ட சலுகை சிட்டி சிவில் கோர்ட்டுக்கு கொடுக்கவேண்டிய அவசியம் இல்லை என்று தோன்றுகிறது.

"வெளியிலிருக்கக்கூடியவர்களுக்கு இரண்டு அப்பீல் கிடைக்கிறது. இங்கே இருக்கிறவர்களுக்கு சிட்டிக் கோர்ட்டில் ப்ரெசிடென்சி பிரின்சிபல் ஜட்ஜ் விசாரித்த கேஸாக இருந்தால் ஹைக்கோர்ட்டுக்குத்தான் அப்பீல் பண்ணவேண்டியதாக இருக்கிறது. அங்கு அப்படி இல்லை.

"இங்கு இருக்கும் வக்கீல்களில் இரண்டுவித அபிப்பிராயங்கள் இருக்கின்றன. சிலபேருடைய அபிப்பிராயம் என்னவென்றால் ஹைக் கோர்ட்டுக்கு ஒரிஜினல் சைடே இல்லாமல் ஒழித்துவிடவேண்டும் என்றும் சொல்லுகிறார்கள். சிலர் பெரிய வக்கீல்கள் ஒரிஜினல் சைட் இருக்க வேண்டும் என்றும், அது போகக்கூடாது என்றும் சொல்லுகிறார்கள். பெரிய வக்கீல்கள் சாதாரணமாக சிட்டி சிவில் கோர்ட்டுக்குப் போவது இல்லை. அது கீழ் கோர்ட்டு என்றும், அங்கு போனால் தங்களுக்குக் கௌரவக் குறைவு என்றும் நினைக்கிறார்கள். இப்படி இரண்டுவித அபிப்பிராயங்கள் இருக்கின்றன. (**Mr. Speaker:** அவர்கள் சொன்னதை நீங்கள் இங்கு சொல்லக்கூடாது.) அவர்கள் சொன்னதை நான் சொல்லுகிறேன். அவர்கள் என்னிடம் வந்து சொன்னார்கள், அதனால்தான் நான் சொல்லு கிறேன். அதனால் அவர்களுடைய அபிப்பிராயத்தைக் கேட்பதற்கு இதைப் பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டிய அவசியம் இருக்கிறது. அப்படி அனுப்பி வைத்து ஹைக்கோர்ட்டுக்கு ஒரிஜினல் சைட் வேண்டுமா வேண் டாமா என்பதை தெரிந்துகொள்ளலாம். டிஸ்ட்ரிக்ட் கோர்ட்டுக்கும் சப்- கோர்ட்டுக்கும் இன்னும் அதிகப்படியான அதிகாரம் கொடுக்கலாமா என்றெல்லாம் கேட்டுத் தெரிந்துக்கொள்ளலாம். அப்படி தெரிந்துகொ ண்டு ஒரு முடிவிற்கு வருவதற்கு சௌகர்யமாக இருக்கும். பொறுக்குக் கமிட்டிக்கு அனுப்பிவைத்தால் அங்கு அட்வொகேட்-ஜெனரல் வருவார், அவரையும் நாம் கலந்துகொள்ளலாம். மற்றும் டிபார்ட்மெண்ட் செக்ரெ டரி வருவார். அவர்களுடைய யோசனைகளை யெல்லாம்கூட கேட்டு தெரிந்துக் கொள்ளலாம். நமக்கு அதிகப்படியான யோசனைகள் கிடைக்கும். அவர் களுடன் நாம் பேசுவதற்கும் சந்தர்ப்பம் கிடைக்கும். இங்கு போய் நாம் பேசுவதென்றால் அதற்குள் கனம் சபாநாயகர் இரண்டாவது செக்ஷனுக்குப் போய்விடுவார். நமக்குள்ள சந்தேகங்களை யெல்லாம் தெளிவுபடுத்திக்கொள்ளலாம். அதனால் இதை பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்."

SRI T. C. NARAYANAN NAMBIAR :—" Mr. Speaker, I support the principle underlying this Bill. Of course, it is a forward step. But I wish to point out that it is a halting and hesitant step. That is what I feel. I do not understand even now the necessity for a different approach. The Hon. the Minister for Law narrated the historical background of these Courts. Of course, we find these things in important cities like Calcutta and Bombay. Every Indian knew how the Europeans when they were here considered it below their dignity to appear in small Courts. 9-50 p.m

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They wanted some '*Anthasth*' and dignity. That is why they wanted some great Judges and big Courts. After 1947, when we have adult franchise and when we are in a democratic Republic, I do not find any necessity for differentiation. When a Sessions Judge in the mofussal can even hang a person, why should there be a differentiation in the case of the courts in the City? (Interruption.) I only meant that Sessions Judges have got powers to deal with very serious cases also. Why should we limit it to Rs. 50,000? The courts in the City should have the same status as those in the mofussal. As there is this restriction, I said that though this is a forward step, it is a halting and hesitant step.''

* SRI P. RANGASWAMY REDDIAR :—" Mr. Speaker, the Hon. the Minister for Law said that some sanction from the Central Government is necessary to introduce a measure which will be more beneficial and which will confer larger jurisdiction. So far as the district centres are concerned, Subordinate Judges have unlimited jurisdiction. They can try suits of any value. If the suit decided by the Subordinate Judge was of the value of Rs. 5,000 or below, an appeal in the first instance would lie before the District Judge and then the Second Appeal would lie before the High Court. If the value of the suit exceeds Rs. 5,000 even in the first instance an appeal will lie to the High Court directly. These are the provisions governing the procedure in the district centres. In the City, why should not the Civil Courts be invested with unlimited jurisdiction similar to the jurisdiction of the Subordinate Judges and the original side of the High Court be abolished? As we have Sessions Judges in district centres, why not we have Sessions Courts in the City of Madras? If necessary, let us have more than one Court. I think that would obviate all the difficulties and hardships that are envisaged by the Hon. the Minister for Law so far as the work of the High Court is concerned."

SRI P. K. GOPALAKRISHNAN :—" Mr. Speaker, I support the amendment of Comrade Ramalingam. It is necessary to discuss this Bill in a Select Committee as several points of view have have to be thrashed out and we have to come to a correct conclusion. I welcome the Bill in general. But, we have to discuss several points in a Select Committee. For instance, the point raised by the Hon. Minister as to whether the original side of the High Court should be abolished or not, is a very lively point indeed. I am of the opinion that the original side of the High Court is an anachronism. The jurisdiction of the Sub-Courts in district centres is quite unlimited as pointed out by hon. Member Sri Rangaswamy Reddiar. In the same manner, the City Civil Courts can be invested with unlimited jurisdiction. If this is done, it will relieve the present congestion in the High Court to a great extent. This will also result in some saving to the State Exchequer, as the number of High Court Judges can be reduced. All these points have to be discussed in a Select Committee. Therefore, I request that the Bill may be referred to a Select Committee. With these words, I support the amendment moved by Sri Ramalingam."

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* SRI K. PARTHASARATHY :—" Mr. Speaker, I welcome the introduction of this Bill inasmuch as it seeks to a certain extent to bring the position of the Courts in the City to the position obtaining in the mofussal. It will be proper and it will be better if the City Civil Court is given unlimited jurisdiction to try all suits. But, since the number of High Court Judges is fixed and whom we cannot send any one away all on a sudden, I think that for the time being there should be the restriction in the matter of pecuniary jurisdiction up to Rs. 50,000. In course of time I think this distinction will be done away with and the City Civil Courts will be occupying the position of the District Court and the Subordinate Judges' Court in the mofussal. We are also glad to hear from the Hon. the Minister for Finance who is also the Minister for Law that in the next session he will bring in a Bill to abolish the original criminal jurisdiction in the City of Madras and to have a Sessions Court in the City itself. With these few words, I welcome this Bill, Sir."

* SRI N. GOPALA MENON :—" Mr. Speaker, I really think that there is no need to refer this Bill to a Select Committee. After all, what is done in the Bill is to raise the jurisdiction of the City Civil Court. I think in Bombay the jurisdiction is raised to Rs. 25,000 and this has been done in Calcutta also. Of course, the High Court has got concurrent jurisdiction. Even now, suits for smaller sums can be filed according to the rules governing the working of the original side of the High Court. Now, we are trying to conform more or less to the rules both in Bombay and Calcutta. Therefore, I do not really find any necessity for referring this Bill to a Select Committee. With regard to the point raised by Mr. Narayana Kurup that the same Judge will have jurisdiction in appeal also, i.e., a Judge having jurisdiction over cases of the value of Rs. 5,000 and below and trying the same will also be sitting in appeal, I think the Government will be appointing a Judge of the status of a District Judge to deal with cases of the value of above Rs. 5,000 and also to have appellate jurisdiction in respect of the other cases which are taken in appeal. I do not think the Government will ask the same Judge to try suits of the value of Rs. 5,000 and below and also to sit in judgment when an appeal is preferred. I do not find any other matter of importance which has got to be referred to a Select Committee. It will really be a waste of time. There will be no hardship either to the litigants or the public by the passing of this Bill."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, the point referred to by Mr. Narayana Kurup was answered by Mr. Gopala Menon. In the Bill, there is provision for a Principal Judge, Additional Judges and Assistant Judges. The Assistant Judges will be of the cadre of Subordinate Judges and the Principal Judge and the Additional Judges will be of the cadre of District Judges. So, they are persons competent to dispose of appeals as the Judges in the mofussal are competent to dispose of them in respect of their respective jurisdictions. Just as the District Judge has

jurisdiction to dispose of appeals, the Principal Judge and the Additional Judges are also competent to dispose of appeals. When a suit is disposed of by an Additional Judge or Principal Judge, whatever be the value, an appeal will lie to the High Court.

10 p.m. " That being so there won't be any difficulty of the same judge disposing of the cases and a person of the same cadre hearing appeals with reference to the same case. That won't arise.

" With reference to the motion to refer the Bill to a Select Committee I suppose it is only a routine motion. I do not think that will be pressed seriously. After all the only point of difference is that the limit of Rs. 50,000 should be removed and unlimited jurisdiction vested. For that, the Bill need not be referred to a Select Committee. The House can decide that. As a mater of fact this Bill has been referred to the High Court. They have scrutinized it and suggested amendments. We have carried them out in the Bill after scrutiny by our Law Officers. So no useful purpose will be served by referring it to a Select Committee. Our object is that it should come into effect before the courts reopen after the vacation. It can be put into effect only if it is passed now.

" While I agree that every step should be taken to increase the jurisdiction and absolutely abolish the original jurisdiction, let us first take a step forward by investing jurisdiction up to Rs. 50,000. As was pointed out by the hon. Member Sri Gopala Menon it is open to the High Court to dispose off any category of suit anywhere. Therefore, Sir, I do not think it would be necessary to consider the question of abolishing entirely the original side jurisdiction at this stage. After all they would be functioning in a limited sphere, that is, only in respect of suits of more than Rs. 50,000. Considering all these things, I hope the hon. Member would not press his amendment for reference to the Select Committee. Even if it is pressed, I suppose it would be thrown out. Let us therefore proceed with the consideration of the Bill."

The amendment of Sri S. Ramalingam was by leave of the House withdrawn.

Mr. SPEAKER :—" The question is—

' That the Madras City Civil Court (Amendment) Bill, 1955, be taken into consideration.' "

The Motion was put and carried.

Mr. SPEAKER :—" Now let us take up clause by clause consideration of the Bill. Motion moved—

' That clause 2 stand part of the Bill.' "

Sri M. KALYANASUNDARAM :—" Mr. Speaker, Sir, I move the amendment, namely :—

' *In lines* 15-16, for " *fifty thousand rupees* " substitute " *one lakh of rupees* ".' "

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Sri K. T. RAJU :—" I second the amendment, Sir."

Sri S. RAMALINGAM :—" Mr. Speaker, Sir, I move the amendment, namely :—

' *In page* 1, for *lines* 15 *and* 16, substitute *the following* :—

" *for the words ' the State Government may, by notification in the Official Gazette, invest the City Court with jurisdiction to receive, try and dispose of all suits and other proceedings of a civil nature arising within the City of Madras and of such value not exceeding ten thousand rupees as may be specified in the notification ', the words ' the City Civil Court will have jurisdiction to receive, try and dispose of all the suits and other proceedings of a civil nature arising within the City of Madras '.*" ' "

Sri T. C. NARAYANAN NAMBIAR :—" I second the amendment, Sir."

Mr. SPEAKER :—" The motion as well as the amendments are before the House for discussion."

* Sri S. RAMALINGAM :—" கனம் சபாநாயகர் அவர்களே, நான் அதிகமாக பேசவேண்டியதில்லை. ரூ. 50,000 வரையில் விசாரிக்க வேண்டும் என்று நிர்ணயம் செய்வதைவிட புராவும் விசாரிக்க சிட்டி சிவில் கோர்ட்டுக்கு அதிகாரம் கொடுக்கவேண்டும். அதை சர்க்கார் ஒத்துக்கொள்ளுவார் என்ற அபிப்பிராயத்தில்தான் இதை பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டும் என்று திருத்தம்கொண்டு வந்தேன். கூடிய சீக்கிரத்தில் அதற்கு வேண்டிய மசோதா ஒன்றைக் கொண்டு வந்து காலக்கிரமத்தில் ஒரிஜினல் சைடை ஹைக்கோர்ட்டிலிருந்து எடுத்து விடுவார்கள் என்று இருப்பதால் இதை வாபஸ் வாங்கிக் கொள்ளுகிறேன். காலக்கிரமத்தில் செய்யாமல் இப்பொழுதே செய்யலாம் என்று எனக்குத் தோன்றுகிறது. அதனால் அதையும் சர்க்கார் ஒத்துக்கொள்ளுவார் என்று நினைக்கிறேன்."

Sri M. KALYANASUNDARAM :—" கனம் சபாநாயகர் அவர்களே, இந்த பிரின்சிபிலை யாரும் ஆட்சேபிக்கவில்லை என்பதை ஒத்துக் கொள்ளுகிறேன். ஆனால் அதை துரிதமாகச் செய்யவேண்டும் என்பதுதான் முக்கியமான விஷயம். எந்த அபிப்பிராய பேதம் இல்லாமலும் மாறுதலை ஒத்துக்கொள்ளத் தயாராக இருக்கிறோம். ஆனால் அந்தக் கோர்ட்டின் லிமிட்டை லட்சம் ரூபாய்க்கு உயர்த்த வேண்டும் என்பதற்காகத்தான் நாங்கள் திருத்தம் கொடுத்திருக்கிறோம். அப்படிச் செய்தால் ஹைக் கோட்டின் வேலை பளுவைக் குறைக்கலாம். அவ்விதம் குறைத்து அவர்கள் வேறு வேலைகளைச் செய்ய வசதி செய்து கொடுக்கலாம் என்று தோன்றுகிறது.

" அதுமட்டுமல்லாமல் சென்னையிலுள்ள மலிவான வக்கீல்களுக்கு வழக்குகளில் ஆஜர் ஆவதற்கு வேண்டிய சூழ்நிலை ஏற்படும். இப்பொழுது வக்கீல்களில் இரண்டு விதமான வக்கீல்கள் இருக்கிறார்கள். அதாவது மலிவான வக்கீல்கள் என்றும் கிராக்கியான வக்கீல்கள் என்றும். மலிவான வக்கீல்கள் என்று சொன்னால் குறைந்த பீசுக்கு கேஸ்களில் ஆஜராகிறவர்கள். அதிகப்படியான பீசு வாங்கி கேஸ்களில் ஆஜராகிறவர்களுக்கு கிராக்கி வக்கீல்கள் என்று சொல்லுகிறேன். கிராக்கியான

வக்கீல்கள் என்பவர்கள் கீழ் கோர்ட்டில் ஆஜராஞல் தங்களுடைய கௌரவத்திற்குக் குறைவு என்று நினைக்கிருர்கள். அவர்கள் எப்பொழுதும் ஹைக் கோர்ட்டுகளில் பெரிய கேஸ்களுக்குத்தான் ஆஜரா்வார்கள். அப்படிப்பட்ட வழக்கம் நீண்ட காலமாகவே இருந்துவருகிறது. அப்படி ஹைக்கோர்ட்டுக்கு உள்ள ஒரிஜினல் சிவில் சைடை எடுத்துவிட்டால் அவர்களும் சிட்டி சிவில் கோர்ட்டுகளில் ஆஜராவதற்கு வழி ஏற்படும். சிட்டி சிவில் கோர்ட்டுகளில் ஆஜராவது கௌரவக் குறைவு என்று இனிமேல் அவர்கள் நினைக்கக்கூடாது. வெள்ளேக்காரர்கள் இருந்த காலத்தில் அவர்களுக்கு தனி அந்தஸ்து கொடுக்கப்பட்டிருந்தது. அப்பொழுது வெள்ளேக்கார ஜட்ஜுகளும் வெள்ளேக்கார வக்கீல்களும் இருந்தார்கள். அவர்களுக்கு ஒரு தனி அந்தஸ்து கொடுக்கப்படவேண்டும் என்பதற்காக இப்படி பாகுபாடு செய்து வைத்திருந்தார்கள். வெள்ளேக்கார வக்கீல்கள் ஒரிஜினல் சைடில் ஆஜராக வேண்டுமாஞலும் அவர்கள் ஹைக்கோர்ட்டுலேயே ஆஜராவதற்கு அப்படிப்பட்ட வசதியை கொடுத்திருந்தார்கள். அதை ஒட்டியே இப்பொழுது பெரிய வக்கீல்கள் சிட்டி சிவில் கோர்ட்டில் ஆஜராஞல் தங்களுக்கு கௌரவக் குறைவு என்று நினைத்துக்கொண்டிருக்கிருர்கள். அப்பொழுது வெள்ளேக்காரர்களுக்கு தனி சலுகைகள் வேண்டும் என்பதற்காக அப்படி ஏற்படுத்தி வைத்திருந்தார்கள். இப்பொழுது அவர்கள் போய்விட்டார்கள். அதைத் தொடர்ந்து வைத்துக்கொள்ள வேண்டிய அவசியம் இல்லே. வெஸ்டட் இண்டரஸ்ட் என்ற வார்த்தையை இந்த சந்தர்ப்பத்தில் நான் உபயோகப்படுத்த விரும்பவில்லே. வக்கீல்கள் பெரிய கோர்ட்டுக்குத்தான் போவது சிறிய கோர்ட்டுகளுக்குப் போவது இல்லே என்ற நிலேமை இனிமேல் இருக்கக்கூடாது. அந்தக் காலம் போய்விட்டது. இந்தக் காலத்தில் வக்கீல்கள் எந்தக் கோர்ட்டுக்கும் போக ஆட்சேபிக்கமாட்டார்கள் என்று நினைக்கிறேன். பணம் வந்தால் எந்தக் கோர்ட்டுக்கும் அவர்கள் போகலாம். பெரிய வக்கீல் சிறிய வக்கீல் என்ற பாகுபாடு இனிமேல் இருக்கவேண்டியதில்லே. பெரிய வக்கீல் சின்ன வக்கீல் என்பதெல்லாம் அவர்கள் வாங்கும் பீசைப் பொறுத்திருக்கிறது. கோர்ட்டைப் பொறுத்து இல்லே. அதஞல் சிட்டி சிவில் கோர்ட்டுக்கு அதிகப்படியான அதிகாரம் கொடுப்பதற்கு ஆட்சேபிக்கக்கூடாது என்பது என்னுடைய அபிப்பிராயம். என்னுடைய அபிப்பிராயத்தைக் காட்டுவதற்கு சந்தர்ப்பம் இருக்கவேண்டும் என்பதற்காகத்தான் இந்தத் திருத்தத்தை நான் பிரேரேபித்தேன் என்பதை தெரிவித்துக்கொள்ளுகிறேன்.''

* THE HON. SRI C. SUBRAMANIAM :—'' Mr. Speaker, Sir, I have already explained the position. I do not think, Government can accept the amendments. After all we had consulted the High Court and we have arrived at an agreed formula. I do not think at this stage it will be possible for me either to accept the amendment of the hon. Deputy Leader of the Opposition or the amendment moved by the hon. Member Sri Ramalingam. Therefore, I am not accepting these amendments, Sir.''

SRI S. RAMALINGAM :—'' I do not press the amendment because it relates to the High Court.''

The amendment was by leave of the House withdrawn.

SRI M. KALYANASUNDARAM :—'' கனம் சபா நாயகர் அவர்களே, கனம் நிதி மந்திரி அவர்கள் சொன்னதை நான் ஒத்துக்கொள்ளுகிறேன். அப்படிப்பட்ட ஒரு மசோதாவை கொஞ்ச காலத்தில் கொண்டு வருகிறேன் என்று சொல்லியதையும் ஒத்துக்கொள்ளுகிறேன். அதற்கு ஆட்சேபிக்கவில்லே. இந்த சந்தர்ப்பத்தை அவர் பயன்படுத்திக்கொண்டு

31st March 1955] [Sri M. Kalyanasundaram]

எதிர் கட்சியில் அதாவது கம்யூனிஸ்ட் கட்சியில் 'சேஞ்சர், நான்-சேஞ்சர்' என்ற பாகுபாட்டை கற்பிக்க முற்பட்டார். ஆனால் அவர் அதில் வெற்றியடையமாட்டார். கம்யூனிஸ்ட் ப்ரின்சிபில் வேறு. **Communist principle is a guide to action.** சேஞ்சராக இருந்தாலும் அவர் சரியான கம்யூனிஸ்ட்டுதான், நான் சேஞ்சராக இருந்தாலும் அவர் நல்ல கம்யூனிஸ்ட்டுதான். அதைப்பற்றி எங்களுக்கு சந்தோஷம் தான். கம்யூனிஸ்ட் கட்சியில் சேஞ்சர் என்றும் நான்-சேஞ்சர் என்றும் கிடையாது என்பதைத் தெரிவித்துக்கொண்டு என்னுடைய திருத்தத்தை வாபஸ் வாங்கிக்கொள்ளுகிறேன்."

The amendment was by leave of the House withdrawn.

Clauses 2, 3, 4 and 5 were put and carried.

Clause 6.

MR. SPEAKER :—" Motion moved—

' That clause 6 do stand part of the Bill.' "

Hon. Member Sri Rajam Ramaswami is not in his place.

(The hon. Member Sri N. Mounaguruswami stood up in his place.)

MR. SPEAKER :—" How can the hon. Member move the amendment when the hon. Member who has given notice of the amendment is not in his place."

* THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, Sir, with your permission I shall move it as a Government amendment with some verbal changes. It only seeks to alter the limitation period from 30 to 90 days. The correction I seek to make is, wherever the word ' sub-clause ' occurs in the amendment, it should be corrected as ' sub-section '. I move—

' *In page* 2, *lines* 43–45, for " *in any of the cases . . . days* ", substitute " *in any of the cases specified in sub-sections* (1) *and* (3) *shall be ninety days and in any of the cases specified in sub-section* (2) *shall be thirty days* ".' "

MR. SPEAKER :—" Motion moved—

' In page 2, lines 43–45, *for* " in any of the cases . . . days ", *substitute* " in any of the cases specified in sub-sections (1) and (3) shall be ninety days and in any of the cases specified in sub-section (2) shall be thirty days ".' "

* SRI M. NARAYANA KURUP :—" Sir, I wish to add a few words more to what I have already stated. We are not here concerned with the intentions of the Government. To-day their intention may be one thing and to-morrow it may be another thing but we are only concerned with the clause as it is. 10-10 p.m.

" Sir, simply because one is designated as the Principal Judge or any other Judge, that does not involve that he requires additional qualification or any other thing. As it is, nothing prevents the Government from appointing persons of the same qualifications to different categories of judges. It may be, by accident, that one is a more experienced man or of the grade of a District Judge. It seems to be obnoxious that a decision of the Assistant Judge should be reviewed by a Sub-Judge of the same Court.

" Then I wish to refer to another point. Whatever may be the procedure or convention previously adopted, the provision in this clause is opposed to Article 14 of the Constitution. Article 14 says—

> 'The State shall not deny to any person quality before the law or the equal protection of the laws within the territory of India.'

Now it has been conceded that a suit valued less than Rs. 5,000 may be tried either by the Principal Judge or Assistant Judge. Take for instance two cases of 'A' and 'B'. Suppose one case is tried by the Principal Judge and another by the Assistant Judge. What will happen if an appeal is preferred in those two cases? In one case the appeal goes to the High Court and in another case it goes to the Principal Judge. Therefore, it is not equal protection of law because in one case the appeal is heard by a High Court Judge but in another case it is heard by a Judge subordinate to him and from whose jurisdiction there is an appeal to the High Court. In one case there is double advantage or it may be disadvantage. Therefore, can we say that if the amount is equal and the claims are equal and conventions are equal, 'A' shall have the right to appeal to the District Court and 'B' shall have the right, for the same relief, to appeal to the High Court? I submit that offends Article 14 of the Constitution as it is of a discriminatory nature and does not give equal protection of law. Therefore, unless it is laid down that the Principal Judge shall not try cases involving a certain amount, this clause will offend the Constitution."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I am sorry that the hon. Member has brought in Article 14 of the Constitution for this purpose. Even now there are District Judges exercising original jurisdiction and apart from exercising jurisdiction, they can withdraw cases from a subordinate court and try them. Whatever may be the value of the suit, in those cases appeal lies only to the High Court. So, no fundamental right is involved in the matter. Where there is no subordinate court at all, the District Court exercises jurisdiction of the subordinate court and they try suits valued at Rs. 3,000 or more. Because it is a decision of the District Court it has to go to the High Court automatically on appeal. That has in no way affected the fundamental rights. I am sure, the hon. Member is aware of the position of the District Court in the mofussil and I am sorry that he should have brought in the issue of giving equal opportunities as provided for in the Constitution which has no relevancy to the provisions of this clause.

31st March 1955] [Sri C. Subramaniam]

Whatever else it may offend it does not offend this Article. As it is, there will be no difficulty and I can assure the hon. Member that all the difficulties are only imaginary and there will be a smooth working as far as this Act is concerned."

* SRI M. NARAYANA KURUP :—" Sir, probably I have not been able to make myself understood. In the cases mentioned by the Hon. Minister where the district court has jurisdiction to try them, two litigants are not discriminated because both the appeals from the District Judge have to go to the High Court. But here is this case, where there is a judge exercising the same jurisdiction . . ."

THE HON. SRI C. SUBRAMANIAM :—" What about the case withdrawn by a district court from a subordinate court and tried? "

* SRI M. NARAYANA KURUP :—" That is quite a different matter.

" Here the District Judge withdraws two cases and tries them. Can we say that in one case an appeal shall lie in the High Court and in another case it shall lie in another court. That is my contention."

THE HON. SRI C. SUBRAMANIAM :—" Sir, I have nothing to reply."

SRI S. RAMALINGAM :—" Sub-clause (2) of clause 6 says—

'An appeal shall lie to the Principal Judge from any decree or order appealable under the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), passed by an Assistant Judge in any suit or proceeding where the amount or value of the subject-matter does not exceed five thousand rupees.'

" அசிஸ்டெண்ட் ஜட்ஜுகள் ரூ. 5,000 and below விசாரிப்பார்களா ? . . ."

THE HON. SRI C. SUBRAMANIAM :—" They may try other cases also."

MR. SPEAKER :—" The question is—

'In page 2, lines 43–45, *for* " in any of the cases . . . days ", *substitute* " in any of the cases specified in sub-sections (1) and (3) shall be ninety days and in any of the cases specified in sub-section (2) shall be thirty days ".' "

The motion was put and carried.

Clause 6 as amended was put and carried.

Clauses 7 and 8 were put and carried.

The Preamble and clause 1 were put and carried.

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THE HON. SRI C. SUBRAMANIAM :—" Sir, I move—

' *That the Madras City Civil Court (Amendment) Bill, 1955, as amended, be passed into law* '."

MR. SPEAKER :—" The question is—

' That the Madras City Civil Court, (Amendment) Bill, 1955, as amended, be passed into law '."

The motion was put and carried and the Bill was passed.

MR. SPEAKER :—" Before I adjourn I must tell hon. Members that the House will meet to-morrow at 9 a.m. and not 8-30 a.m. as mentioned in the Agenda circulated to hon. Members to-day. I now adjourn the House till 9 a.m. to-morrow."

The House then adjourned.

TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

APPENDIX I.

[Vide answer to unstarred question No. 102 asked by Dr. K. B. Menon at the meeting of the Legislative Assembly held on 31st March 1955, page 801 supra.]

District.	Applications received for gun licences during the period from 1st January 1953 to 30th June 1954.	Applications for gun licences received from women during the period from 1st January 1953 to 30th June 1954.	Licences issued during the period from 1st January 1953 to 30th June 1954.	Licences refused to women during the period from 1st January 1953 to 30th June 1954.	Licences for guns issued during the period from 15th August 1947 to 30th June 1954.	Licences granted to women during the period from 15th August 1947 to 30th June 1954.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1 Arcot, South	467	Nil.	292	Nil.	859	Nil.
2 Arcot, North	512	Nil.	370	Nil.	1,725	1
3 Chingleput	619	Nil.	144	Nil.	1,117	1
4 Coimbatore	318	1	115	Nil.	851	1
5 Kanara, South	3,288	1	415	1	7,541	4
6 Malabar	4,306	2	580	1	2,771	1
7 Madurai	861	Nil.	719	Nil.	2,345	1
8 Nilgiris	425	10	253	1	1,561	28
9 Ramanathapuram ..	300	Nil.	140	Nil.	673	Nil.
10 Salem	891	1	178	Nil.	2,755	1
11 Tirunelveli	467	4	466	2	1,287	2
12 Tiruchirappalli	565	Nil.	470	Nil.	3,671	11
13 Tanjore	475	1	153	1	1,214	Nil.
14 Madras	252	2	186	1	689	3
Total ..	13,746	22	4,481	7	29,059	54

APPENDIX II.

[Vide answer to unstarred question No. 106 asked by Sri M. Palanimuthu at the meeting of the Legislative Assembly held on 31st March 1955, page 803 supra.]

Statement showing the area and income derived by Government from the forests of Perambalur taluk.

Serial number and name of reserve forest.	Extension. Acs.	Revenue derived during 1951–52.			Revenue derived during 1952–53.			Revenue derived during 1953–54.		
		RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
1 Kunnam R.F., Class III	1,319·01	602	8	0	820	4	0	598	6	0
2 Chittalai R.F., Class III	1,225·63	602	6	0	501	0	0	430	12	0
3 Sirugudal R.F., Class III ..	765·70	636	4	0	631	0	0	257	6	0
4 Mangalam R.F., Class III ..	885·04	692	13	0	748	12	0	350	10	0
5 Periyoor R.F., Class III	1,331·75	1,285	0	0	953	8	0	456	4	0
6 Vembanoor R.F., Class III ..	1,782·08	1,067	6	0	1,114	10	0	595	6	0
7 Mattavaraimairlangi R.F., Class III.	911·71	744	7	0	556	4	0	299	2	0
8 Karayanoor R.F., Class III ..	774·08	681	2	0	723	14	0	278	0	0
9 Ayyanarpalayam R.F., Class III.	1,607·04	1,043	0	0	1,404	6	0	475	6	0
10 Pillankulam R.F., Class III ..	1,267·49	815	10	0	637	6	0	432	14	0
11 Kurichyamalai R.F., Class III ..	1,109·68	101	3	0	390	8	0	505	8	0
12 Kurumbaloor R.F., Class III ..	1,962·58	663	2	0	767	6	6	677	6	0

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Serial number and name of reserve forest.	Extension. Acs.	Revenue derived during 1951-52. RS.	A.	P.	1952-53. RS.	A.	P.	1953-54. RS.	A.	P.
13 Velur R.F., Class III	2,988·94	809	14	0	610	12	0	500	4	0
14 Siruvachoor R.F., Class III ..	1,984·28	304	8	0	92	8	0	247	13	0
15 Naranamangalam R.F., Class III.	1,264·20	468	0	0	46	14	3	280	6	0
16 Puliyoor extension I and II, Class III R.F.	3,443·00	348	2	0	931	6	0	212	14	0
17 Sathiramani, Class III R.F. ..	1,852·62	527	10	0	717	6	0	204	4	0
18 Poolambadi Blocks I and II (Part), Class I R.F.	4,812·87	1,295	1	3	295	12	6	590	5	0
19 Valayur (Part), Class I R.F. ..	21,344·00	87	0	0	44	0	6	81	4	0
20 Puliyoor, Class I R.F.	2,433·00	1,963	15	6	465	0	3	319	9	3
21 Semmalai, Class I R.F.	960·00	1,696	13	0	2,951	8	0	431	11	0
22 Sengathoor (Part), Class I R.F.	1,799·20	92	10	6	634	4	0	290	7	9
23 Nakkasalem, Class I R.F. ..	2,749·00	304	12	0	352	3	9	1,284	0	3
24 Palamalai, Class I R.F. ..	2,087·00	32	8	0	35	0	0	31	14	0
25 Edumalai, Class III R.E. (Part).	1,000 00	342	8	0	362	8	0	317	8	0
26 Koltattur, Class III R.F. (Part).	1,209·00	407	6	0	304	0	3	438	4	0
Total		17,615	9	3	16,997	1	0	10,587	8	3

APPENDIX III.

[Vide answer to unstarred question No. 108 asked by Sri C. Rajam Ramaswamy at the meeting of the Legislative Assembly held on 31st March 1955, page 804 supra.]

STATEMENT I.

Production of cloth by 15 *composite mills in Madras during the year* 1953.

Month.	Number of bales of 1,500 yards of cloth.
1 January 1953	6,081
2 February 1953	5,320
3 March 1953	4,779
4 April 1953	4,901
5 May 1953	6,216
6 June 1953	Figures not available.
7 July 1953	8,585
8 August 1953	8,209
9 September 1953	8,242
10 October 1953	8,135
11 November 1953	7,237
12 December 1953	7,993
Total ..	75,698

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Statement II.

Statement showing the composite mills in the State and the daily average number of men and women employed in each mill during the year.

	Names of the composite mills.	Men.	Women.	Adolescents.	Children.
	(1)	(2)	(3)	(4)	(5)
1	Sri Ranga Vilas Ginning and Weaving Mills, Limited, Peelamedu.	872	156	..	..
2	The Lakshmi Mills Company, Limited, Pappanaickenpalayam.	1,218	331	..	..
3	Somasundaram Mills, Limited, Coimbatore.	785	127	..	..
4	Kaleeswari Mills, Limited, Coimbatore.	1,725	253	..	..
5	The Coimbatore Spinning and Weaving Company, Limited, Coimbatore.	2,057	389	..	..
6	Sri Saradha Mills, Limited, Podanur ..	632	114	..	..
7	Central Jail, Coimbatore	965	..	..	..
8	Vasantha Mills, Limited, Singanallur.	1,474	261	..	..
9	Dhanalakshmi Mills, Limited, Tiruppur.	1,187	208	..	..
10	Sri Venkatesa Mills, Limited, Udamalpet.	1,065	230	28	..
11	The Buckingham and Carnatic Mills Company, Limited, Perambur.	14,370	..	63	..
12	Malabar Spinning and Weaving Company Limited, Kallai.	602	70	..	..
13	Sri Meenakshi Mills Company, Limited, Madurai.	2,195	345	..	..
14	Mettur Industries, Limited, Mettur Dam.	1,090	37	..	..
15	Loyal Textile Mills, Limited, Kovilpatti	1,044	222	..	..

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APPENDIX IV.

[Vide answer to unstarred question No. 111 asked by Sri S. S. Kolkebail at the meeting of the Legislative Assembly held on 31st March 1955, page 806 supra.]

STATEMENT I.

Statement showing the amount of allowances drawn by the Ministers during 1952–53.

Serial number and name of the Ministers. (1)	*Period of office.* (2)	*House-rent allowance.* (3)	*Medical allowance.* (4)	*Car allowance.* (5)	*Any other allowances.* (6)	*Number of days travelled.* (7)	*Travelling allowance.* (8)	*Daily allowance including mileage.* (9)
		RS. A. P.		RS. A. P.			RS. A. P.	RS. A. P.
1 Sri P. S. Kumaraswami Raja ..	1st to 9th April 1952.	Government quarters.	..	325 0 0	..	..		
2 „ H. Sitarama Reddi	Do.	Do.	..	325 0 0	..	..		
3 „ A. B. Shetty	1st April 1952 to 31st March 1953.	Do.	..	3,000 0 0	..	48	1,337 12 0	2,195 5 0
4 „ B. Parameswaran	1st to 9th April 1952.	325 0 0	..	325 0 0	..	..		
5 „ C. Perumalswami Reddi ..	Do.	325 0 0	..	325 0 0	..	..		
6 „ J. L. P. Roche Victoria ..	Do.	Government quarters.	..	325 0 0	..	..		
7 „ C. Rajagopalachari	10th April 1952 to 31st March 1953.	2,675 0 0	..	2,675 0 0	..	59	1,508 4 0	650 7 6
8 „ C. Subramaniam	Do.	2,675 0 0	..	2,675 0 0	..	62	2,509 8 0	2,197 8 0
9 „ K. Venkataswami Naidu ..	Do.	2,675 0 0	..	2,675 0 0	..	58	1,277 3 0	2,072 15 0
10 „ N. Ranga Reddi	Do.	Government quarters.	..	2,675 0 0	..	71	1,772 8 0	4,750 5 0

11 Dr. M. V. Krishna Rao ..	Do.	Do.	..	2,675 0 0	..	96	3,868 5 6	3,728 5 0
12 Sri V. C. Palaniswami Gounder.	Do.	Do.	..	2,675 0 0	..	80	1,305 12 0	1,925 15 0
13 Dr. U. Krishna Rao	Do.	2,675 0 0	..	2,675 0 0	..	33	1,660 4 0	1,525 8 0
14 ,, R. Nagan Gowda	Do.	Government quarters.	..	2,675 0 0	..	95	1,946 10 0	3,117 14 8
15 Sri N. Sankara Reddi	Do.	2,675 0 0	..	2,675 0 0	..	85½	1,591 9 0	2,690 3 0
16 ,, M. A. Manickavelu Naicker.	Do.	Government quarters.	..	2,675 0 0	..	60½	1,289 5 0	2,567 0 0
17 ,, K. P. Kuttikrishnan Nair ..	Do.	Do.	..	2,675 0 0	..	38	884 15 0	1,131 8 0
18 Raja Sri Shanmuga Rajeswara Sethupathi.	Do.	2,675 0 0	..	2,675 0 0	..	25		1,293 6 0
19 Sri S. B. P. Pattabirama Rao ..	Do.	2,675 0 0	..	2,675 0 0	..	67	1,726 1 0	2,765 10 0
20 ,, D. Sanjeevayya	Do.	2,675 0 0	..	2,675 0 0	..	91	1,554 8 0	3,903 8 0

NOTE.—(1) According to section 10 of the Madras Payment of Salaries and Removal of Disqualifications Act, 1951, the Ministers are eligible for free medical treatment and free medical attendance at their residences. They are not eligible to draw any amount as medical allowance.

(2) The Ministers are not eligible to draw any allowances except house-rent allowance, conveyance allowance and travelling allowance.

STATEMENT II.

Statement showing the amount of allowances drawn by Ministers during 1953–54.

Serial number and name of the Ministers. (1)	*Period of office.* (2)	*House-rent allowance.* (3) RS. A. P.	*Medical allowance.* (4) RS.	*Car allowance.* (5) RS. A. P.	*Any other allowances.* (6) RS.	*Number of days travelled.* (7)	*Travelling allowance.* (8) RS. A. P.	*Daily allowance including mileage.* (9) RS. A. P.
1 Sri C. Rajagopalachari ..	1st April 1953 to 31st March 1954.	3,000 0 0	..	3,000 0 0	..	61	871 5 0	580 14 0
2 ,, A. B. Shetty ..	Do.	Government quarters.	..	3,000 0 0	..	74	2,013 7 0	2,654 4 0
3 ,, M. Bhakthavatsalam	9th October 1953 to 31st March 1954.	1,177 7 0	..	1,177 7 0	..	54	885 0 0	1,709 15 0

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Statement II—*cont.*

Serial number and name of the Ministers. (1)	*Period of office.* (2)	*House-rent allowance.* (3) RS. A. P.	*Medical allowance.* (4) RS.	*Car allowance.* (5) RS. A. P.	*Any other allowances.* (6)	*Number of days travelled.* (7)	*Travelling allowance.* (8) RS. A. P.	*Daily allowance including mileage.* (9) RS. A. P.
4 Sri C. Subramaniam	1st April 1953 to 31st March 1954.	3,000 0 0	..	3,000 0 0	..	87	2,247 6 0	2,724 11 0
5 ,, K. Venkataswami Naidu ..	Do.	3,000 0 0	..	3,000 0 0	..	100	1,274 4 0	3,653 8 0
6 ,, N. Ranga Reddi	1st April to 30th September 1953.	Government quarters.	..	1,750 0 0	..	51	778 4 0	2,529 7 0
7 Dr. M. V. Krishna Rao ..	Do.	Do.	..	1,750 0 0	..	60½	2,406 4 0	2,443 9 0
8 Sri V. C. Palaniswami Gounder.	1st April 1953 to 31st March 1954.	Do.	..	3,000 0 0	..	84	941 12 0	2,648 4 0
9 Dr. U. Krishna Rao	Do.	3,000 0 0	..	3,000 0 0	..	48½	907 0 0	1,326 7 0
10 ,, R. Nagan Gowda	1st April to 30th September 1953.	Government quarters.	..	1,750 0 0	..	67	1,233 10 0	3,302 2 0
11 Sri N. Sankara Reddi	Do.	1,750 0 0	..	1,750 0 0	..	47	802 6 0	1,808 0 0
12 ,, M. A. Manickavelu Naicker.	1st April 1953 to 31st March 1954.	Government quarters.	..	3,000 0 0	..	89½	1,956 12 0	3,257 12 0
13 ,, K. P. Kuttikrishnan Nair ..	Do.	Do.	..	3,000 0 0	..	36	1,142 15 6	1,423 11 0
14 Raja Sri Shanmuga Rajeswara Sethupathi.	Do.	3,000 0 0	..	3,000 0 0	..	14	244 0 0	1,082 6 0
15 Sri S. B. P. Pattabhirama Rao.	1st April to 30th September 1953.	1,750 0 0	..	1,750 0 0	..	39	685 0 0	1,490 13 0
16 ,, D. Sanjeevayya	Do.	1,750 0 0	..	1,750 0 0	..	25	450 12 0	2,297 5 0
17 ,, K. Rajaram	9th October 1953 to 31st March 1954.	64 8 0	..	1,177 7 0	..	33½	802 0 0	1,749 0 0
18 Srimathi Jothi Vencatachellum.	Do.	1,177 7 0	..	1,177 7 0	..	22	91 6 0	693 6 0

Note.—(1) According to section 10 of the Madras Payment of Salaries and Removal of Disqualifications Act, 1951, the Ministers are eligible for free medical treatment and free medical attendance at their residences. They are not eligible to draw any amount as medical allowance.

(2) The Ministers are not eligible to draw any allowances except house-rent allowance, conveyance allowance and travelling allowance.

STATEMENT III.

Statement showing the amount of allowances drawn by the personal staff of the Ministers during 1952–53.

Serial number. (1)	Name of the personal staff of the Minister. (2)	Period of office. (3)	Number of days travelled. (4)	Travelling allowance. (5) RS.	A.	P.	Daily allowance including mileage. (6) RS.	A.	P.
1	Personal staff of Sri P. S. Kumaraswami Raja	1st April to 9th April 1952 ..	..	..			..		
2	Do. Sri H. Sitarama Reddi	Do.	..	..			..		
3	Do. Sri A. B. Shetty	1st April 1952 to 31st March 1953	48	1,005	12	0	293	12	0
4	Do. Sri B. Parameswaran	1st April to 9th April 1952 ..	..	..			..		
5	Do. Sri C. Perumalswami Reddy	Do.	..	..			..		
6	Do. Sri J. L. P. Roche Victoria	Do.	..	..			..		
7	Do. Sri C. Rajagopalachari	10th April 1952 to 31st March 1953.	53	1,528	0	6	647	3	0
8	Do. Sri C. Subramaniam	Do.	83	2,072	0	0	553	9	0
9	Do. Sri K. Venkataswami Naidu	Do.	79	1,241	8	0	856	2	3
10	Do. Sri N. Ranga Reddi	Do.	71	1,229	2	0	1,235	1	0
11	Do. Dr. M. V. Krishna Rao	Do.	101	2,074	1	0	754	5	6
12	Do. Sri V. C. Palaniswami Gounder	Do.	82	1,311	12	0	462	7	0
13	Do. Dr. U. Krishna Rao	Do.	33	780	2	0	275	15	0
14	Do. Dr. R. Nagan Gowda	Do.	91	1,710	6	3	853	14	0
15	Do. Sri N. Sankara Reddi	Do.	84½	1,296	15	0	483	7	0
16	Do. Sri M. A. Manickavelu Naicker	Do.	58½	997	13	0	429	7	0
17	Do. Sri K. P. Kuttikrishnan Nair	Do.	38	736	4	0	195	7	0
18	Do. Raja Sri Shanmuga Rajeswara Sethupathi.	Do.	48	307	13	0	222	10	0
19	Do. Sri S. B. P. Pattabhirama Rao	Do.	67	846	1	0	345	5	0
20	Do. Sri D. Sanjeevayya	Do.	94	1,246	6	0	827	3	0

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STATEMENT IV.

Statement showing the amount of allowances drawn by the personal of the Ministers during 1953–54.

Serial number. (1)	*Name of the personal staff of the Minister.* (2)	*Period of office.* (3)	*Number of days travelled.* (4)	*Travelling allowance.* (5) RS. A. P.	*Daily allowance including mileage.* (6) RS. A. P.
1	Personal staff of Sri Rajagopalachari	1st April 1953 to 31st March 1954 ..	61	1,833 13 0	894 12 0
2	Do. Sri A. B. Shetty	Do.	74	1,462 3 0	747 0 0
3	Do. Sri M. Bakthavatsalam	9th October 1953 to 31st March 1954.	54	884 8 0	317 13 0
4	Do. Sri C. Subramaniam	1st April 1953 to 31st March 1954..	87	2,007 5 0	536 10 0
5	Do. Sri K. Venkataswami Naidu	Do.	100	1,687 0 0	1,101 12 0
6	Do. Sri N. Ranga Reddi	1st April 1953 to 30th September 1953.	54	606 14 0	1,126 0 0
7	Do. Dr. M. V. Krishna Rao	Do.	59½	1,600 12 0	456 11 0
8	Do. Sri V. C. Palaniswami Gounder	1st April 1953 to 31st March 1954 ..	84	867 13 0	709 8 0
9	Do. Dr. U. Krishna Rao	Do.	36	758 0 0	345 4 0
10	Do. Dr. R. Nagan Gowda	1st April 1953 to 30th September 1953.	67	1,129 1 0	881 6 0
11	Do. Sri N. Sankara Reddi..	Do.	39	415 12 0	167 5 0
12	Do. Sri M. A. Manickavelu Naicker ..	1st April 1953 to 31st March 1954..	80	1,353 10 6	564 0 0
13	Do. Sri K. P. Kuttikrishna Nair..	Do.	36	980 5 0	283 6 0
14	Do. Raja Sri Shanmuga Rajeswara Sethupathi.	Do.	58	451 4 0	401 8 6
15	Do. Sri S. B. P. Pattabhirama Rao	1st April 1953 to 30th September 1953.	34	510 3 0	205 1 0
16	Do. Sri D. Sanjeevayya	Do.	25	448 3 0	326 6 0
17	Do. Sri K. Rajaram	9th October 1953 to 31st March 1954.	33½	956 0 0	217 2 0
18	Do. Srimathi Jothi Venkatachellum	Do.	22	70 12 0	61 9 0

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APPENDIX V.

[Vide answer to unstarred question No. 117 asked by Sri K. Aranganathan at the meeting of the Legislative Assembly held on 31st March 1955, page 809 supra.]

Statement.

		Men.	*Women.*	*Total.*
Secondary Grade	Senior Class ..	1,591	1,500	3,091
	Junior Class ..	1,548	1,330	2,878
Elementary Grade.. ..	Senior Class ..	2,368	1,768	4,136
	Junior Class ..	2,566	1,896	4,462
Senior Basic Grade ..	Senior Class ..	761	247	1,008
	Junior Class ..	629	272	901
Junior Basic Grade ..	Senior Class ..	900	543	1,443
	Junior Class ..	778	544	1,322

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Appendix VI.

[Vide answer to unstarred question No. 118 asked by Sri K. Aranganathan at the meeting of the Legislative Assembly held on 31st March 1955, page 810 supra].

Statement showing the extent of Kumri cultivation during 1953-54 and the Revenue derived from it.

Name of Division.	*Extent of kumri cultivation (in acres).* 1953-54.	1954-55.	*Revenue derived.* 1953-54.			1954-55.			*Extent of improvement to forests on account of this system.*
	ACS.	ACS.	RS.	A.	P.	RS.	A.	P.	
Ootacamund Circle—									
Palghat Division	70·50	36·60	..			..			The area was planted with fuel and timber species.
Tellicherry Divison	79·00	187·50	1,428	15	11	1,963	2	6	No visible improvements to forests on account of this system.
Nilambur Division	250·00	270·00	10,014	3	1	6,179	12	3	The Department saves the expenditure on the first weeding in the plantation.
Wynaad Division	722·22	915·58	4,801	4	4	7,420	13	3	The extent of improvement to forests on account of this system is practically nil. The depot saves the cost of weeding just after the harvest of kumri crop which is being done by the Kumridars.
South Kanara Division ..	90·00	216·00	..			..			Do.
Total ..	1,212·22	1,625·98	16,244	7	4	15,563	12	0	
Coimbatore Circle—									
Coimbatore South Division ..	58·00	147·25	300	0	0	826	0	0	Low grade fuel species have been replaced with useful and more valuable species.
Madurai West Division ..	4·00	77·50	..			298	0	0	Area leased very recently.
Kollegal Division	11·19	..	..			..			Planting was done only in rest house compound.

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Tirunelveli Division	35·00	75·00	..	..	Teak plantation raised over the area.
Coimbatore North Division ..	800·60	..	..	..	Improvement can be seen after some years.
Madurai East Division ..	..	61·00	..	..	Do.
Total ..	908·79	360·78	300 0 0	1,124 0 0	
Salem Circle—					
Vellore East Division	30·00	73·00	..	..	50 acres have been under afforestation.
Vellore West Division ..	186·00	..	..	..	No improvement to forest noticed.
Salem North Division ..	165·00	45·00	..	..	Too early to say the result.
Salem South Division	911·00	104·00	..	..	Improvement will have to be watched.
Tiruchirappalli Division ..	132·00	21·00	25 0 0	37 0 0	41 acres have been afforested.
Chingleput Division	178·00	473·00	..	..	170 acres have been successfully afforested. Result of 1954-55 has to be watched.
Total ..	1,602·00	716·00	25 0 0	37 0 0	

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APPENDIX VII.

[Vide answer to unstarred question No. 119 asked by Sri M' Dharmalingam at the meeting of the Legislative Assembly held on 31st March 1955, page 810 supra.]

Conditions under which lands are leased out for kumri cultivation in Mailapore and Vembadu Reserved Forests in Tiruvallur district:—

(i) The individuals should clear the area themselves and get the ground ready for cultivation before the end of June 1954.

(ii) The following species should be sown in prepared lines 9 inches deep and 4 feet wide and 22 feet apart espacement between the tree lines:—

(1) Bombax malabaricum,

(2) Acacia arabica,

(3) Dalbergia Sissoo,

(4) Cashew species,

(5) Prosopis juliflora,

and any other species specified in writing by the District Forest Officer, Chingleput, from time to time. There should be at least one well-established plant of any of the species cited at every 11 feet along the tree lines.

(iii) The kumridar should erect a strong thorn fence on all sides of the plot and complete it immediately.

(iv) Castor will not be allowed to be raised as field crop as it overtops the tree lines and is very exacting on the soil.

(v) A security deposit of Rs. 5 per kumridar should be paid by each individual in the Post office at Tiruvallur for the due fulfilment of the conditions of the kumri lease, for which a letter to the Post-master, Tiruvallur, with necessary index card and consent letter are enclosed for each individual.

(vi) Necessary annual permit for doing kumri cultivation will be issued on payment of the security deposit referred to above by each kumridar and on receipt of the savings bank preliminary receipt from them.

APPENDIX VIII.

[Vide answer to unstarred question No. 155 asked by Sri N. K. Palaniswami at the meeting of the Legislative Assembly held on 31st March 1955, page 829 supra.]

I. The constitution and the function of the Madras State Soil Conservation Board as reconstituted, are as follows:—

Constitution—

Chairman.

The Minister for Agriculture.

Members.

1 The Commissioner of Land Revenue.

2 The Chief Conservator of Forests.

3 The Director of Agriculture.

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4 The Special Chief Engineer, Public Works Department.

5 The Chief Engineer (Highways).

6 The Director of Animal Husbandry.

7 The Headquarters Deputy Director of Agriculture (Engineering).

He is the Secretary of the Board.

8 The State Silviculturist.

9 Sri D. C. Kothari, care of Kothari and Sons, Oriental Buildings, Armenian street, Madras.

10 Secretary to Government, Agriculture Department.

The Chief Engineer (Electricity) will be co-opted as a member when ever subjects pertaining to electricity come up for discussion.

Functions.—(i) To organize and co-ordinate local land utilization surveys;

(ii) to advise on the policy under which cultivated lands should be given up as such and put under protective regime (e.g.) where soil is being lost by river action, or erosion is being caused by cultivation on steep slopes;

(iii) (*a*) to advise on questions relating to the acquisition of privately owned waste lands for afforestation;

(*b*) to prepare a list showing the distribution of areas with reference to agricultural lands so as to facilitate measures taken up for afforestation;

(*c*) to study the effects of clearing and cultivation of catchment areas of important streams which feed power and irrigation projects;

(iv) to co-ordinate functioning of Regional Observation Plans which involve the participation of several departments;

(v) to scrutinize plans submitted by the Forest Department for the conservation of vital catchment areas;

(vi) to recommend to Government suitable legislative measures for sound hill-farming; and

(vii) to study and advise on the effect on the water-table caused by tapping underground water for irrigation purposes under the Grow More Food Schemes to prevent lowering of water-table.

Other particulars.—The headquarters of the Board is Madras and the Board will meet once in six months. The Chairman of the Board has however discretion to call for a meeting at any time earlier if he considers necessary.

II. Seven meetings of the State Soil Conservation Board have been held so far. The important recommendation made by the Board are as follows:—

(1) Legislation should be undertaken to prevent indiscriminate cutting of trees and for enforcement and maintenance of soil conservation measures on private lands especially in the steep hill slopes of Kodaikanal and the Nilgiris.

(2) Schemes for underground water-studies should be undertaken in this State. Soil conservation measures should be carried out on tank catchments to prevent silting.

(3) Appropriate soil conservation measures should be taken up before assigning the lands to the settlers in the case of new colonization schemes or in rehabilitation programmes of irrigation works.

(4) Soil conservation measures in the Livestock Research Farms in the State should be undertaken and for this purpose short course of training to the farm staff should be given.

(5) A scheme for soil conservation research may be started at Nanjanad and also the land in the farm should be terraced so that it may serve as a demonstration centre.

(6) Barren hills outside the Reserve Forests and lands not suitable for cultivation should be contour-trenched and afforested.

(7) Publicity to soil conservation measures should be given through the "Madras Information" and also by distributing leaflets to ryots.

(8) Agricultural or other officers in charge of soil conservation schemes should inspect the adjoining Community Project areas and suggest soil conservation measures required for those areas.

(9) Recommended the survey of cultural waste lands to determine the lands really useful for cultivation.

APPENDIX IX.

[Vide answer to unstarred question No. 157 asked by Sri M. Dharmalingam at the meeting of the Legislative Assembly held on 31st March 1955, page 829 supra.]

NATIONAL EXTENSION SERVICE SCHEMES.

Progress of Physical achievements under various heads up to 31st December 1954.

Serial number and details of heads.	*Details of work done in the National Extension Service Blocks set up in 1953–54.*
1 Population	30,64,768
2 People's contribution (in '000 of Rs.)	1,417·5
Agriculture—	
3 Fertilizers distributed (maunds)	267,747
4 Seeds distributed (maunds)	12,741
5 Demonstration held (Nos.)	2,869
6 Area brought under fruits (acres)	2,514
7 Area brought under vegetables (acres)	6,149
Irrigation—	
8. Area commanded (acres)	2,358
Animal husbandry—	
9 Breeding and Artificial Insemination Centres started	58
10 Pedigree bulls supplied	210
11 Pedigree birds supplied	1,774
Public Health—	
12 Drains constructed (yards)	28,358
13 Drinking-water wells constructed	296
14 Drinking-water wells renovated	277

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Serial number and details of heads.	Details of work done in the National Extension Service Blocks set up in 1953–54.
***Education*—**	
15 New Schools started	364
16 Schools converted into Basic Schools	106
***Social Education*—**	
17 Adult education centres started	606
18 Community Recretation centres started	527
19 Community entertainments organized	1,541
***Communications*—**	
20 Pucca roads constructed (miles)	109
21 Katcha roads constructed (miles)	300

APPENDIX X.

[Vide answer to unstarred question No. 176 asked by Sri M. Dharmalingam at the meeting of the Legislative Assembly held on 31st March 1955, page 837 supra.]

Method of recruitment.

Deputy Tahsildars Recruitment by transfer from the members of the Madras Secretariat Service or from the members of the Madras Ministerial Service employed in the Revenue department including the office of the Board of Revenue and the Revenue Settlement Parties.

Qualifications.

(*a*) No person shall be eligible—

(i) to have his name included in the list of approved candidates for appointment as Deputy Tahsildar if he has completed or will complete the age of 40 years on the first day of July of the year in which the report to the Board of Revenue about his fitness for such inclusion becomes due ;

(ii) for appointment as Deputy Tahsildar if he has completed the age of 43 years ; and

(iii) to have his name included in the lists of approved candidates for appointment as Tahsildars and Deputy Tahsildars, if he has not acquired the requisite qualifications for inclusion in such lists on the date on which the proposals for inclusion in such lists are due to the Board of Revenue from the Collector of the district concerned.

(*b*) No person shall be eligible for appointment to the class and category specified in column (1) of the Annexure unless he possesses the qualifications specified in the corresponding entry in column (2) thereof.

(A) Before the inclusion of his name in the list of approved candidates, the candidate—

(i) must have passed the following tests :—

(1) The Revenue Test, Parts I, II and III ;

(2) The Criminal Judicial Test ; and

(3) The Account Test for Subordinate Officers, Parts I and II.

(ii) must have served for a period of not less than eight years [including service as Revenue Inspector prescribed in clause (iii) below] in a post not lower in rank than the category of a Lower Division Clerk, two years of which should have been in the post of an Upper Division Clerk ; and

(iii) must have rendered satisfactory service for a period of not less than two years on duty as Revenue Inspector in charge of a firka and must have passed the examination in the maintenance of revenue records and registration :

Provided that a candidate who has, with reference to the instruction, contained in G.O. No. 2206, Revenue, dated the 7th November 1944, rendered satisfactory service for not less than one year on duty as Revenue Inspector in charge of a firka prior to the 1st April 1948 need not serve as Revenue Inspector again to complete two years referred to in clause (iii) above :

Provided further that a candidate who has, after undergoing Survey Training, discharged the duties of a Firka Supply Officer or a Special Revenue Inspector or both shall be entitled to count his service in each such post for a period not exceeding six months, towards duty as a Revenue Inspector in charge of a firka :

Provided also that a candidate who has, after undergoing Survey Training discharged the duties of a Revenue Inspector in a Settlement Party, doing field work including classification of Soil and Irrigation sources, and miscellaneous enquiries under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, or of an Estate Revenue Inspector shall be entitled to count his service in such post towards duty as Revenue Inspector in charge of a firka :

Provided also that clauses (ii) and (iii) of the qualifications prescribed above for appointment to category 2 (Deputy Tahsildar) shall not apply to a member of the Madras Ministerial Service who has been recruited to that service as a probationary Revenue Inspector :

Provided also that it shall not be necessary for any person who has completed the period of two years' duty as Revenue Inspector on or before the 23rd August 1946 to pass the examination in the maintenance of revenue records and registration referred to in clause (ii).

(B) If the candidate is a member of the Madras Secretariat Service or a member of the Madras Ministerial Service employed in the office of the Board of Revenue, he must, in addition to the qualifications specified in (A), have satisfactorily completed probation, if any, in the post of Upper Division Clerk.

(C) The possession of a degree in Law of the Madras University or a Pleadership Certificate in the First Grade in addition to the qualifications specified in items (A) and (B) shall be regarded as a qualification entitled to special weight.

(D) No person who on the 19th June 1931 was a member of the Madras Ministerial Service and did not possess the qualifications prescribed for the post held by him on the said date shall be eligible

for appointment as Deputy Tahsildar unless a specific order of exemption was passed in his case by a competent authority before the said date enabling him to hold a post of Deputy Tahsildar or unless he had, at any time subsequent to that date, acquired the minimum general educational qualification necessary at that time for appointment to the Madras Ministerial Service

Explanation (i).—A candidate shall be deemed to have passed—

(1) the Account Test for Subordinate Officers, Parts I and II, if he has passed the old Account Test, Higher or Lower Grade, or the General Account Test, and

(2) the Criminal Judicial Test, if he has passed—

A. (i) the Pleadership Examination, First or Second Grade, or

(ii) (*a*) a degree in law of the Madras University; and

(*b*) the examination in the Code of Criminal Procedure, 1898, as prescribed for the Criminal Judicial Test, Lower Grade, or for the new Criminal Judicial Test or Part II (Criminal) of the Apprentices Examination held by the High Court at Madras or of the Examination in the Law of Practice and Procedure held by the Bar Council, Madras; or

(iii) the LL.B. degree examination of the University of Bombay or of the Benares Hindu University; and

B. the examination in the paper on Medical Jurisprudence, as prescribed for the Criminal Judicial Test.

Explanation (ii).—A Settlement Inspector who does purely office work is not entitled to count such service towards duty as a Revenue Inspector in charge of a firka.

TAMIL NADU LEGISLATURE
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